

ESTTA Tracking number: **ESTTA754864**

Filing date: **06/27/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	KIND Management Inc.
Granted to Date of previous extension	06/26/2016
Address	1372 Broadway, 3rd Floor New York, NY 10018 UNITED STATES
Attorney information	Margarita Wallach McCarter & English, LLP 245 Park Avenue, 27th Floor New York, NY 10167 UNITED STATES mwallach@mccarter.com, dlynch@mccarter.com, ihurtado@mccarter.com, dpopovic@mccarter.com Phone:212-609-6800

### Applicant Information

Application No	86512722	Publication date	12/29/2015
Opposition Filing Date	06/27/2016	Opposition Period Ends	06/26/2016
Applicant	April Valencia c/o Pryor Cashman LLP, 7 Times Square New York, NY 10036 UNITED STATES		

### Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Perfume, perfume oils, cologne, eau de toilette, eau de perfume, eau de cologne and toilette water; cosmetics; facial cleansers, toners, facial exfoliants and scrubs, facial creams, facial moisturizers, facial lotions and non-medicated facial treatments in the nature of facial emulsions and facial masks, beauty milks, skin moisturizers and skin moisturizer masks, skin conditioners, hand creams, massage oils, essential oils for personal use, talcum powder, perfumed powders, bath beads, bath crystals, bath foam, bath gels, bath oils, bath powders, bath salts, face wash, skin cleansers, skin highlighter, body scrubs, body fragrances, fragrances for personal use, body and hand lotions, body gels, shower gels, body oils, body powders, body exfoliants, body masks, body mask creams and lotions, non-medicated lip care preparations, lipcream, sunscreen preparations, suntanning preparations and after-sun lotions; cosmetic sun-protecting preparations; suntan oils; self-tanning preparations, namely, self tanning milk and cream, accelerated tanning cream, self-tanning lotions, gels and sprays; non-medicated ointments for the treatment of sunburns; non-medicated toiletries; toothpaste, deodorant and antiperspirant; cosmetic soaps, perfumed soaps, liquid soaps, hand, facial and bath soaps, deodorant soaps, shaving soaps, soap powder, toilet soaps, soaps for body care, and soaps for personal use; cosmetic pads; non-medicated topical skin creams, ointments, gels, toners, and lotions; topical skin sprays for cosmetic

purposes; aromatherapy creams, lotions and oils; hair care products, namely, shampoos, conditioners, mousse, gels, frosts, creams, rinses, sprays; astringents for cosmetic purposes; incense; room fragrances; fragrance emitting wicks for room fragrances; fragrance sachets; sachet-like eye pillows containing fragrances; scented ceramic stones; scented linen sprays and scented room sprays; scented oils used to produce aromas when heated; scented pine cones; potpourri; aromatherapy pillows comprising potpourri in fabric containers

## Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)

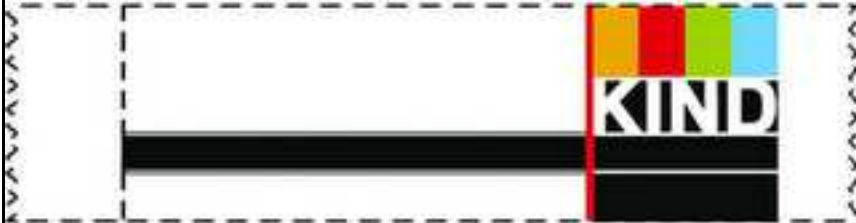
## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2984772	Application Date	06/14/2004
Registration Date	08/16/2005	Foreign Priority Date	NONE
Word Mark	KIND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2003/02/18 First Use In Commerce: 2003/02/18 Ready to eat, cereal derived food bars containing nuts		


U.S. Registration No.	3971639	Application Date	11/20/2007
Registration Date	05/31/2011	Foreign Priority Date	NONE
Word Mark	KIND		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 029. First use: First Use: 2003/02/18 First Use In Commerce: 2003/02/18 Nutrition bars, namely, processed fruit-and-nut-based food bars, nut based snack food bars
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U.S. Registration No.	4161495	Application Date	11/20/2007
Registration Date	06/19/2012	Foreign Priority Date	NONE
Word Mark	KIND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2011/05/31 First Use In Commerce: 2011/09/26 Clothing and apparel, namely, T-shirts,sweatshirts, caps, vests, jackets Class 029. First use: First Use: 2003/02/18 First Use In Commerce: 2003/02/18 Sweet snacks, namely, fruit based snackfood, dried fruit mixes; snack mixes consisting primarily of processed fruits and processed nuts; nutrition bars, namely, nut and seed based snack bars; fruit based snack food bars also containing grains, cereals, dried fruit, fruit juice;nut based snack food Class 030. First use: First Use: 2011/06/08 First Use In Commerce: 2011/06/08 Snacks, namely, cereal based snack food; cereal based snack food bars, granola based snack food bars, grain based snackfood; Snack foods, namely, granola based mixes, rice based snack food, whole grain based snack food		

U.S. Registration No.	3882221	Application Date	09/16/2009
Registration Date	11/30/2010	Foreign Priority Date	NONE
Word Mark	KIND		
Design Mark			
Description of Mark	The mark consists of the word "KIND" in white on a horizontal black bar beneath a four-color panel consisting of the colors yellow, red, green and blue. Underneath the black bar are two more black bars separated by white lines. To the left of the word "KIND" and the four-color panel is a narrow vertical stripe in red. A black stripe runs horizontally across the middle of the mark and extends towards the right side to become the middle black bar beneath the word "KIND". The horizontal stripe is delineated by white lines. At the left edge of the long horizontal		

	stripe is a narrow vertical stripe in broken lines to show placement. The large white areas above and below the long horizontal stripe represent transparent areas and are not part of the mark, and the white areas to the left of the narrow vertical stripe and to the right of the four-color panel represent transparent areas or background and are not part of the mark. The matter shown by the broken lines depicting the outside of the mark and the narrow vertical stripe is not a part of the mark and serves only to indicate the position of the mark on the goods.
Goods/Services	Class 029. First use: First Use: 2003/02/18 First Use In Commerce: 2003/02/18 Healthy snacks, namely, nut and seed based snack bars; processed fruit-and nut-based food bars, nut based snack food bars, fruit based snack food bars also containing nuts, grains, cereals and dried fruit


U.S. Registration No.	4097493	Application Date	04/24/2009
Registration Date	02/14/2012	Foreign Priority Date	NONE
Word Mark	KIND FRUIT + NUT		
Design Mark			
Description of Mark	The mark consists of the product packaging trade dress for the presentation of ready to eat food bars and the terms "KIND FRUIT + NUT" on the product packaging. The packaging configuration consists of two large transparent panels or windows through which the product is seen, this panel is divided by a narrow band placed in the middle of the transparent window. The terms "FRUIT + NUT" appear within the band and at the right hand side; at either end of the narrow band is a solid rectangular panel which extends from the top to the bottom of the packaging. The word "KIND" appears on the right of the packaging above the narrow band and the words "FRUIT + NUT". Four smaller vertical rectangular bars appear above the bold letters "KIND". The matter shown in broken lines is not part of the mark and serves only to show the position or placement of the mark.		
Goods/Services	Class 029. First use: First Use: 2003/02/18 First Use In Commerce: 2003/02/18 Nutrition bars, namely, nut and seed based snack bars; processed fruit-and nut-based food bars, nut based snack food bars, fruit based snack food bars also containing nuts, grains, cereals and dried fruit		

U.S. Registration No.	4013148	Application Date	01/02/2010
Registration Date	08/16/2011	Foreign Priority Date	NONE
Word Mark	KINDINGS		

Design Mark	<b>KINDINGS</b>
Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 2009/06/00 First Use In Commerce: 2011/07/05 Healthy snacks, namely, nut and seed based snack bars; processed fruit and nut-based food bars, nut based snack food bars, fruit based snack food bars also containing nuts, grains, cereals and dried fruit


U.S. Registration No.	4053499	Application Date	08/31/2009
Registration Date	11/08/2011	Foreign Priority Date	NONE
Word Mark	KINDTASTIC		
Design Mark	<b>KINDTASTIC</b>		
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2010/02/01 First Use In Commerce: 2011/04/22 Healthy snacks, namely, nut and seed based snack bars; processed fruit-and nut-based food bars, nut based snack food bars, fruit based snack food bars also containing nuts, grains, cereals and dried fruit		


U.S. Registration No.	4049775	Application Date	08/31/2009
Registration Date	11/01/2011	Foreign Priority Date	NONE
Word Mark	KINDELICIOUS		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 2010/02/01 First Use In Commerce: 2011/04/27 Healthy snacks, namely, nut and seed based snack bars; processed fruit-and nut-based food bars, nut based snack food bars, fruit based snack food bars also containing nuts, grains, cereals and dried fruit

U.S. Registration No.	4898735	Application Date	08/14/2015
Registration Date	02/09/2016	Foreign Priority Date	NONE
Word Mark	KIND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2005/03/29 First Use In Commerce: 2005/03/29 Online retail store services and mail order services featuring snack foods, snack-related gift sets and apparel		

U.S. Registration No.	4935559	Application Date	06/29/2015
Registration Date	04/12/2016	Foreign Priority Date	NONE
Word Mark	KIND		

Design Mark			
Description of Mark	<p>The mark consists of the word "KIND" in white outlined in black with a four color rectangular panel above the text consisting of four colored vertical rectangles in yellow, red, green and blue. A thin white line outline in black appears between the word "KIND" and the four color rectangular panel. The bottom part of the thin white line connects with the top portion of the word "KIND".</p>		
Goods/Services	<p>Class 035. First use: First Use: 2011/02/00 First Use In Commerce: 2011/02/00 Promoting the charitable giving of others, namely, tracking and publicizing charitable donations and random acts of kindness; Promotional services, namely, promoting the charities of others; Charitable services, namely, making monetary grants to individuals and groups who provide acts of kindness, services and activities for persons in need; Charitable services, namely, organizing and conducting volunteer programs and community service projects; Charitable services, namely, promoting public awareness and education of world hunger, human rights, environment, exploitation of women, children and men, homelessness, major health challenges, education, social justice and poverty; Charitable services, namely, organizing and developing programs and events that aim to improve and clean up the environment; Charitable services, namely, organizing and developing programs and events that aim to improve schools; Charitable services, namely, organizing and developing programs and events that aim to improve the lives of senior citizens, women, children, active duty soldiers, veterans and persons in need; Charitable services, namely, providing clothing, school uniforms, shoes, food and drink, school supplies, books, text books, gifts, art kits, healing kits, care packages, diapers to senior citizens, women, children, active duty soldiers, veterans and persons in need; and Charitable services, namely, organizing and conducting a volunteer outreach program providing fresh flowers to people to inspire acts of kindness</p>		
U.S. Registration No.	4940908	Application Date	08/14/2015
Registration Date	04/19/2016	Foreign Priority Date	NONE
Word Mark	KIND		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2011/02/00 First Use In Commerce: 2011/02/00 Promoting the charitable giving of others, namely, tracking and publicizing charitable donations and random acts of kindness; Promotional services, namely, promoting the charities of others; Charitable services, namely, making monetary grants to individuals and groups who provide acts of kindness, services and activities for persons in need; Charitable services, namely, organizing and conducting volunteer programs and community service projects; Charitable services, namely, promoting public awareness and education of world hunger, human rights, environment, exploitation of women, children and men, homelessness, major health challenges, education, social justice and poverty; Charitable services, namely, organizing and developing programs and events that aim to improve and clean up the environment; Charitable services, namely, organizing and developing programs and events that aim to improve schools; Charitable services, namely, organizing and developing programs and events that aim to improve the lives of senior citizens, women, children, active duty soldiers, veterans and persons in need; Charitable services, namely, providing clothing, school uniforms, shoes, food and drink, school supplies, books, text books, gifts, art kits, healing kits, care packages, diapers to senior citizens, women, children, active duty soldiers, veterans and persons in need; and Charitable services, namely, organizing and conducting a volunteer outreach program providing fresh flowers to people to inspire acts of kindness

U.S. Registration No.	4898218	Application Date	07/02/2015
Registration Date	02/09/2016	Foreign Priority Date	NONE
Word Mark	DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS & YOUR WORLD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2013/03/01 First Use In Commerce: 2013/04/01 Nut based food bars; nut and seed based food bars; fruit and nut food bars; seed based food bars; high protein nut based food bars Class 030. First use: First Use: 2013/10/00 First Use In Commerce: 2013/10/00		



	Cereal based food bars; grain based food bars also containing nuts; grain based food bars also containing dried fruit, seeds, quinoa and other ingredients; cereal based snack food clusters; cereal based snack food clusters consisting primarily of whole grains, nuts, fruits, seeds and also containing other ingredients
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U.S. Registration No.	4898192	Application Date	07/02/2015
Registration Date	02/09/2016	Foreign Priority Date	NONE
Word Mark	DO THE KIND THING FOR YOUR TASTE BUDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2013/03/01 First Use In Commerce: 2013/09/04 Nut based food bars; nut and seed based food bars; fruit and nut food bars; seed based food bars; high protein nut based food bars Class 030. First use: First Use: 2014/11/00 First Use In Commerce: 2014/11/00 Cereal based food bars; grain based food bars also containing nuts; grain based food bars also containing dried fruit, seeds, quinoa and other ingredients		

U.S. Application No.	86676867	Application Date	06/29/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	KIND		
Design Mark			

Description of Mark	The mark consists of the word "KIND" in white outlined in black with a four color rectangular panel above the text consisting of four colored vertical rectangles in yellow, red, green and blue. A thin white line outline in black appears between the word "KIND" and the four color rectangular panel. The bottom part of the thin white line connects with the top portion of the word "KIND".
Goods/Services	Class 035. First use: First Use: 2005/03/29 First Use In Commerce: 2005/03/29 Online retail store services and mail order services featuring snack foods, snack-related gift sets and apparel

U.S. Application No.	86676865	Application Date	06/29/2015
Registration Date	NONE	Foreign Priority Date	NONE


Word Mark	KIND
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Design Mark	
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Description of Mark	The mark consists of the word "KIND" in white with a four color rectangular panel above the text consisting of four colored vertical rectangles in yellow, red, green and blue. A thin white line appears between the word "KIND" and the four color rectangular panel. The bottom part of the thin white line connects with the top portion of the word "KIND". The black outlining of the letters and of the thin white line is not being claimed as a feature of the mark and it represents only outlining. The white color in between and behind the letters is background.
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Goods/Services	Class 041. First use: First Use: 2013/05/03 First Use In Commerce: 2013/05/03 (Based on Use in Commerce) Providing a website featuring blogs and non-downloadable publications in the nature of articles in the field of charitable giving and service; and educational services, namely, non-downloadable electronic publications in the nature of booklets, newsletters, pamphlets, brochures, reports, fliers, leaflets, bulletins and blogs in the field of philanthropy, nutrition, health and wellness, self-improvement, social justice and social responsibility and awareness; (Based on Intent to Use) Educational services, namely, classes, seminars, workshops, training, mentoring, and guides in the field of philanthropy, nutrition, health and wellness, self-improvement, career counseling, social justice and social responsibility and awareness; educational services, namely, non-downloadable electronic publications in the nature of booklets, newsletters, pamphlets, brochures, reports, fliers, leaflets, bulletins and blogs in the field of career counseling
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U.S. Application No.	86724943	Application Date	08/14/2015
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	KIND		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 041. First use: First Use: 2013/05/03 First Use In Commerce: 2013/05/03</p> <p>Providing a website featuring blogs and non-downloadable publications in the nature of articles in the field of charitable giving and service; and educational services, namely non-downloadable electronic publications in the nature of booklets, newsletters, pamphlets, brochures, reports, fliers, leaflets, bulletins and blogs in the field of philanthropy, nutrition, health and wellness, self-improvement, social justice and social responsibility and awareness (Use Based); Educational services, namely classes, seminars, workshops, training, mentoring, and guides in the field of philanthropy, nutrition, health and wellness, self-improvement, career counseling, social justice and social responsibility and awareness; educational services namely non-downloadable electronic publications in the nature of booklets, newsletters, pamphlets, brochures, reports, fliers, leaflets, bulletins and blogs in the field of career counseling (Intent to Use)</p>		

Related Proceedings	Opposer has filed Opposition Nos. 91225347; 91225350; 91225351; and 91225358 against Applicant's other applications to register the mark NATIVE KIND.
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Attachments	<p>76596770#TMSN.png( bytes )</p> <p>77981723#TMSN.png( bytes )</p> <p>77333800#TMSN.png( bytes )</p> <p>77827342#TMSN.png( bytes )</p> <p>77721453#TMSN.png( bytes )</p> <p>77903894#TMSN.png( bytes )</p> <p>77816084#TMSN.png( bytes )</p> <p>77816085#TMSN.png( bytes )</p> <p>86724964#TMSN.png( bytes )</p> <p>86676861#TMSN.png( bytes )</p> <p>86724974#TMSN.png( bytes )</p> <p>86682586#TMSN.png( bytes )</p> <p>86681580#TMSN.png( bytes )</p> <p>86676867#TMSN.png( bytes )</p> <p>86676865#TMSN.png( bytes )</p> <p>86724943#TMSN.png( bytes )</p> <p>Notice of Opposition Cl. 3.pdf(172186 bytes )</p> <p>Exhibit A.pdf(2330088 bytes )</p>
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Margarita Wallach/
Name	Margarita Wallach
Date	06/27/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application  
Serial No. 86/512,722  
Filed: January 23, 2015  
For the mark: **NATIVE KIND**  
Published: December 29, 2015

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KIND Management Inc.,	:	OPPOSITION NO. _____
	:	
Opposer,	:	
	:	
v.	:	
	:	
APRIL VALENCIA,	:	
	:	
Applicant.	:	
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Commissioner for Trademarks  
United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

1. KIND Management Inc. (“Kind” or “Opposer”), a Delaware corporation having its principal place of business at 1372 Broadway, New York, New York 10018, will be damaged by registration of the mark NATIVE KIND (“Applicant’s Mark”) shown in Application Serial No. 86/512,722, filed by April Valencia, an individual c/o Pryor Cashman LLP, 7 Times Square New York, New York 10036 (“Applicant”) based on intent to use in connection with “[p]erfume, perfume oils, cologne, eau de toilette, eau de perfume, eau de cologne and toilette water; cosmetics; facial cleansers, toners, facial exfoliants and scrubs, facial creams, facial moisturizers, facial lotions and non-medicated facial treatments in the nature of facial emulsions and facial masks, beauty milks, skin moisturizers and skin moisturizer masks, skin conditioners, hand creams, massage oils, essential oils for personal use, talcum powder, perfumed powders, bath

beads, bath crystals, bath foam, bath gels, bath oils, bath powders, bath salts, face wash, skin cleansers, skin highlighter, body scrubs, body fragrances, fragrances for personal use, body and hand lotions, body gels, shower gels, body oils, body powders, body exfoliants, body masks, body mask creams and lotions, non-medicated lip care preparations, lip cream, sunscreen preparations, suntanning preparations and after-sun lotions; cosmetic sun-protecting preparations; sun tan oils; self-tanning preparations, namely, self tanning milk and cream, accelerated tanning cream, self-tanning lotions, gels and sprays; non-medicated ointments for the treatment of sunburns; non-medicated toiletries; toothpaste, deodorant and antiperspirant; cosmetic soaps, perfumed soaps, liquid soaps, hand, facial and bath soaps, deodorant soaps, shaving soaps, soap powder, toilet soaps, soaps for body care, and soaps for personal use; cosmetic pads; non-medicated topical skin creams, ointments, gels, toners, and lotions; topical skin sprays for cosmetic purposes; aromatherapy creams, lotions and oils; hair care products, namely, shampoos, conditioners, mousse, gels, frosts, creams, rinses, sprays; astringents for cosmetic purposes; incense; room fragrances; fragrance emitting wicks for room fragrances; fragrance sachets; sachet-like eye pillows containing fragrances. scented ceramic stones; scented linen sprays and scented room sprays; scented oils used to produce aromas when heated; scented pine cones; potpourri; aromatherapy pillows comprising potpourri in fabric containers,” in International Class 3 (“Applicant’s Goods”). Opposer will be damaged by the registration of Applicant’s Mark and opposes the foregoing application (the “Application”) on the following grounds:

2. Opposer, through its predecessors-in-interest, commenced use of the trademark KIND in connection with snack food bars at least as early as June 14, 2004. Since that time,



Opposer, through its predecessors-in-interest, has continuously used the trademark KIND in commerce.

3. Opposer is the owner of the well-known trademark KIND as used in connection with apparel as well as the well-known mark KIND and other “KIND” formative trademarks as used in connection with snack food bars and other snack foods.


4. Opposer owns the trademark registration for KIND, Registration No. 4161495, in association with “clothing and apparel, namely, T-shirts, sweatshirts, caps, vests, jackets” in Class 25 which was first used by Opposer, through its predecessors-in-interest, on May 31, 2011 and first used in commerce on September 26, 2011.

5. Opposer owns the following trademarks (collectively the “KIND Marks”) and registrations on the Principal Register and pending applications in the United States Patent and Trademark Office (“USPTO”):

<b>Mark</b>	<b>Registration / Serial No.</b>	<b>Filing Date / Registration Date</b>	<b>Goods</b>
KIND	2,984,772	June 14, 2004 / August 16, 2005	“Ready to eat, cereal derived food bars containing nuts” in Class 30
KIND	3,971,639	November 20, 2007 / May 31, 2011	“Nutrition bars, namely, processed fruit-and-nut-based food bars, nut based snack food bars” in Class 29
KIND	4,161,495	November 20, 2007 / June 19, 2012	“Clothing and apparel, namely, T-shirts, sweatshirts, caps, vests, jackets” in Class 25  “Sweet snacks, namely, fruit based snack food, dried fruit mixes; snack mixes consisting

Mark	Registration / Serial No.	Filing Date / Registration Date	Goods
			<p>primarily of processed fruits and processed nuts; nutrition bars, namely, nut and seed based snack bars; fruit based snack food bars also containing grains, cereals, dried fruit, fruit juice; nut based snack food” in Class 29</p> <p>“Snacks, namely, cereal based snack food; cereal based snack food bars, granola based snack food bars, grain based snack food; Snack foods, namely, granola based mixes, rice based snack food, whole grain based snack food” in Class 30</p>
	3,882,221	September 16, 2009 / November 30, 2010	<p>“Healthy snacks, namely, nut and seed based snack bars; processed fruit-and nut-based food bars, nut based snack food bars, fruit based snack food bars also containing nuts, grains, cereals and dried fruit” in Class 29</p>
	4,097,493	April 24, 2009 / February 14, 2012	<p>“Nutrition bars, namely, nut and seed based snack bars; processed fruit-and nut-based food bars, nut based snack food bars, fruit based snack food bars also containing nuts, grains, cereals and dried fruit” in Class 29</p>





<b>Mark</b>	<b>Registration / Serial No.</b>	<b>Filing Date / Registration Date</b>	<b>Goods</b>
KINDINGS	4,013,148	January 2, 2010 / August 16, 2011	“Healthy snacks, namely, nut and seed based snack bars; processed fruit and nut-based food bars, nut based snack food bars, fruit based snack food bars also containing nuts, grains, cereals and dried fruit” in Class 29
KINDTASTIC	4,053,499	August 31, 2009 / November 8, 2011	“Healthy snacks, namely, nut and seed based snack bars; processed fruit-and nut-based food bars, nut based snack food bars, fruit based snack food bars also containing nuts, grains, cereals and dried fruit” in Class 29
KINDELICIOUS	4,049,775	August 31, 2009 / November 1, 2011	“Healthy snacks, namely, nut and seed based snack bars; processed fruit-and nut-based food bars, nut based snack food bars, fruit based snack food bars also containing nuts, grains, cereals and dried fruit” in Class 29
KIND	4,898,735	August 14, 2015 / February 9, 2016	“Online retail store services and mail order services featuring snack foods, snack-related gift sets and apparel,” in Class 35
	4,935,559	June 29, 2015 / April 12, 2016	Promoting the charitable giving of others, namely, tracking and publicizing charitable donations and random acts of kindness;

Mark	Registration / Serial No.	Filing Date / Registration Date	Goods
			Promotional services, namely, promoting the charities of others; Charitable services, namely, making monetary grants to individuals and groups who provide acts of kindness, services and activities for persons in need; Charitable services, namely, organizing and conducting volunteer programs and community service projects; Charitable services, namely, promoting public awareness and education of world hunger, human rights, environment, exploitation of women, children and men, homelessness, major health challenges, education, social justice and poverty; Charitable services, namely, organizing and developing programs and events that aim to improve and clean up the environment; Charitable services, namely, organizing and developing programs and events that aim to improve schools; Charitable services, namely, organizing and developing programs and events that aim to

Mark	Registration / Serial No.	Filing Date / Registration Date	Goods
			improve the lives of senior citizens, women, children, active duty soldiers, veterans and persons in need; Charitable services, namely, providing clothing, school uniforms, shoes, food and drink, school supplies, books, text books, gifts, art kits, healing kits, care packages, diapers to senior citizens, women, children, active duty soldiers, veterans and persons in need; and Charitable services, namely, organizing and conducting a volunteer outreach program providing fresh flowers to people to inspire acts of kindness,” in Class 35
KIND	4,940,908	August 14, 2015 April 19, 2016	“Promoting the charitable giving of others, namely, tracking and publicizing charitable donations and random acts of kindness; Promotional services, namely, promoting the charities of others; Charitable services, namely, making monetary grants to individuals and groups who provide acts of kindness, services and activities for persons in

Mark	Registration / Serial No.	Filing Date / Registration Date	Goods
			<p>need; Charitable services, namely, organizing and conducting volunteer programs and community service projects; Charitable services, namely, promoting public awareness and education of world hunger, human rights, environment, exploitation of women, children and men, homelessness, major health challenges, education, social justice and poverty; Charitable services, namely, organizing and developing programs and events that aim to improve and clean up the environment; Charitable services, namely, organizing and developing programs and events that aim to improve schools; Charitable services, namely, organizing and developing programs and events that aim to improve the lives of senior citizens, women, children, active duty soldiers, veterans and persons in need; Charitable services, namely, providing clothing, school uniforms, shoes, food and drink, school</p>

Mark	Registration / Serial No.	Filing Date / Registration Date	Goods
			supplies, books, text books, gifts, art kits, healing kits, care packages, diapers to senior citizens, women, children, active duty soldiers, veterans and persons in need; and Charitable services, namely, organizing and conducting a volunteer outreach program providing fresh flowers to people to inspire acts of kindness,” in Class 35
DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS & YOUR WORLD	4,898,218	July 2, 2015 February 9, 2016	<p>“Nut based food bars; nut and seed based food bars; fruit and nut food bars; seed based food bars; high protein nut based food bars,” in Class 29</p> <p>“Cereal based food bars; grain based food bars also containing nuts; grain based food bars also containing dried fruit, seeds, quinoa and other ingredients; cereal based snack food clusters; cereal based snack food clusters consisting primarily of whole grains, nuts, fruits, seeds and also containing other ingredients,” in Class 30</p>

Mark	Registration / Serial No.	Filing Date / Registration Date	Goods
DO THE KIND THING FOR YOUR TASTE BUDS	4,898,192	July 2, 2015 / February 9, 2016	<p>“Nut based food bars; nut and seed based food bars; fruit and nut food bars; seed based food bars; high protein nut based food bars,” in Class 29</p> <p>“Cereal based food bars; grain based food bars also containing nuts; grain based food bars also containing dried fruit, seeds, quinoa and other ingredients,” in Class 30</p>
	Ser. No. 86676867	June 29, 2015	“Online retail store services and mail order services featuring snack foods, snack-related gift sets and apparel,” in Class 35
	Ser. No. 86676865	June 29, 2015	“Providing a website featuring blogs and non-downloadable publications in the nature of articles in the field of charitable giving and service; and education services,” in Class 41
KIND	Serial No. 86724943	August 14, 2015	“Providing a website featuring blogs and non-downloadable publications in the nature of articles in the field of charitable giving and service; and education services,” in Class 41

Copies of the registration certificates and TSDR status records printed from the USPTO website for the above referenced trademarks are attached as Exhibit A.

6. Opposer has never abandoned and has, through its predecessors-in-interest, continuously used the KIND Marks in connection with the foregoing goods and services.

7. The registrations referenced above are valid and subsisting, in full force and effect. Opposer's Registration No. 2,984,772 for the trademark KIND is incontestable pursuant to the provisions of Section 15 of the Lanham Act, 15 U.S.C. § 1065, and all of the registrations referenced above constitute conclusive evidence of Opposer's exclusive right to use the KIND Marks in commerce in connection with the goods specified in the registrations.

8. Since at least as early as March 29, 2005 Opposer, through its predecessor-in-interest, has provided online retail services by continuously selling its snack bars under the trademark KIND online and has continuously, since at least as early as 2011, through its predecessor-in-interest, sold apparel under the trademark KIND online.

9. Opposer is the owner of the trade name KIND which it, through its predecessors-in-interest, has continuously used since a date prior to any date of priority that may be asserted by Applicant.

10. During its longstanding, widespread and continuous use of the KIND Marks and the trade name KIND, Opposer has expended considerable time, effort and financial resources in advertising and publicizing the sale of the goods bearing the KIND Marks and sold under the trade name KIND. The KIND Marks and the KIND trade name are symbolic of the extensive goodwill and consumer recognition that Opposer has established through substantial and extensive expenditures of time, effort and other resources in connection with promotion and advertising of the goods Opposer offers and sells under the KIND Marks and the KIND trade

name. As a result of the foregoing and the high quality of Opposer's apparel and snack products the public and the trade have come to recognize the products offered in conjunction with the KIND Marks and the trade name KIND as signifying Opposer and its apparel and snack foods.

11. Upon information and belief, Applicant is an individual.

12. On January 23, 2015, Applicant filed the Application based on an intent to use the trademark NATIVE KIND in connection with Applicant's Goods. Accordingly, the KIND Marks cited above, and the trade name KIND, have priority of use and/or registration to Applicant's use of and application for Applicant's Mark.

13. The Application was published for opposition on December 29, 2015. An extension of the deadline for opposing the Application was timely filed. The current deadline to oppose the Application is June 27, 2016.

### **COUNT ONE**

#### **Dilution**

14. Opposer repeats and realleges each and every allegation set forth in paragraphs 1 through 13.

15. In view of the strength of Opposer's KIND Marks, the duration and extent of Opposer's use and advertising of its KIND Marks, the nationwide use of Opposer's KIND Marks, and the degree of recognition of Opposer's KIND Marks, Opposer's KIND Marks have become famous. Opposer's KIND Marks were famous prior to the filing date of the Application for Applicant's Mark.

16. Applicant's Mark is likely to cause, and will cause, dilution of the distinctive value of Opposer's KIND Marks under Section 43(c) of the Lanham Act of 1946, as amended, 15 U.S.C. § 1125(c). In this regard Opposer's KIND Marks will lose their distinctiveness due to



the use and registrations of Applicant's Mark on Applicant's Goods due to blurring and will be tarnished due to Applicant's unauthorized use of Applicant's Mark on Applicant's Goods.

17. Opposer will be damaged if Applicant's Mark is granted registration because Applicant will obtain statutory rights in the designation NATIVE KIND in violation and derogation of the established prior rights of Opposer.

WHEREFORE, Opposer respectfully requests that said Application Serial No. 86/512,722 be rejected, that no registration be issued thereon to Applicant, that this Opposition be sustained in favor of Opposer and that the Trademark Trial and Appeal Board grant such other and further relief as it deems just and appropriate.

Payment has been provided in the requisite amount to cover the statutory filing fee for filing a Notice of Opposition. All communications should be addressed to Opposer's counsel, McCarter & English at the address stated below.

Dated: June 27, 2016

Respectfully submitted,

McCarter & English, LLP

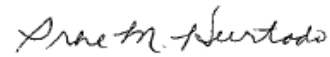
By: /Margarita Wallach/  
Margarita Wallach  
Gary H. Fechter  
Irene Hurtado  
Alice M. Pang  
Attorneys for Opposer  
KIND Management Inc.  
245 Park Ave, 27<sup>th</sup> Floor  
New York, NY 10167  
Tel: (212) 609-6800  
Fax: (212) 609-6921

CERTIFICATION OF SERVICE

The undersigned hereby certifies that the foregoing NOTICE OF OPPOSITION against Trademark Application Serial No. 86/512,722 for the trademark NATIVE KIND has been served on Applicant by Overnight Mail at the following address:

April Valencia c/o  
Teresa Lee  
Pryor & Cashman LLP  
7 Times Square, Fl. 3  
New York, New York 10036-6569

Dated: June 27, 2016



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Irene M. Hurtado

# EXHIBIT A

**Int. Cl.: 30**

**Prior U.S. Cl.: 46**

**United States Patent and Trademark Office**

**Reg. No. 2,984,772**

**Registered Aug. 16, 2005**

**TRADEMARK  
PRINCIPAL REGISTER**

**KIND**

PEACEWORKS (DELAWARE CORPORATION)  
444 PARK AVENUE SOUTH  
NEW YORK, NY 10016

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: READY TO EAT, CEREAL DERIVED FOOD  
BARS CONTAINING NUTS, IN CLASS 30 (U.S. CL.  
46).

SER. NO. 76-596,770, FILED 6-14-2004.

FIRST USE 2-18-2003; IN COMMERCE 2-18-2003.

CURTIS FRENCH, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

KIND

**Reg. No. 3,971,639**

**Registered May 31, 2011**

**Int. Cl.: 29**

**TRADEMARK**

**PRINCIPAL REGISTER**

KIND,LLC (DELAWARE LIMITED LIABILITY COMPANY)

P.O. BOX 1393

OLD CHELSEA STATION, NY 10113

FOR: NUTRITION BARS, NAMELY, PROCESSED FRUIT-AND-NUT-BASED FOOD BARS,  
NUT BASED SNACK FOOD BARS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 2-18-2003; IN COMMERCE 2-18-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,984,772.

SN 77-981,723, FILED 11-20-2007.

HOWARD SMIGA, EXAMINING ATTORNEY



*David S. Kybas*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

# KIND

**Reg. No. 4,161,495**

**Registered June 19, 2012**

**Int. Cls.: 25, 29, and 30**

KIND LLC (DELAWARE LIMITED LIABILITY COMPANY)  
P.O. BOX 705 MIDTOWN STATION  
NEW YORK, NY 10018

FOR: CLOTHING AND APPAREL, NAMELY, T-SHIRTS, SWEATSHIRTS, CAPS, VESTS, JACKETS, IN CLASS 25 (U.S. CLS. 22 AND 39).

**TRADEMARK**

FIRST USE 5-31-2011; IN COMMERCE 9-26-2011.

**PRINCIPAL REGISTER**

FOR: SWEET SNACKS, NAMELY, FRUIT BASED SNACK FOOD, DRIED FRUIT MIXES; SNACK MIXES CONSISTING PRIMARILY OF PROCESSED FRUITS AND PROCESSED NUTS; NUTRITION BARS, NAMELY, NUT AND SEED BASED SNACK BARS; FRUIT BASED SNACK FOOD BARS ALSO CONTAINING GRAINS, CEREALS, DRIED FRUIT, FRUIT JUICE; NUT BASED SNACK FOOD, IN CLASS 29 (U.S. CL. 46).

FIRST USE 2-18-2003; IN COMMERCE 2-18-2003.

FOR: SNACKS, NAMELY, CEREAL BASED SNACK FOOD; CEREAL BASED SNACK FOOD BARS, GRANOLA BASED SNACK FOOD BARS, GRAIN BASED SNACK FOOD; SNACK FOODS, NAMELY, GRANOLA BASED MIXES, RICE BASED SNACK FOOD, WHOLE GRAIN BASED SNACK FOOD, IN CLASS 30 (U.S. CL. 46).

FIRST USE 6-8-2011; IN COMMERCE 6-8-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,984,772.

SN 77-333,800, FILED 11-20-2007.

HOWARD SMIGA, EXAMINING ATTORNEY

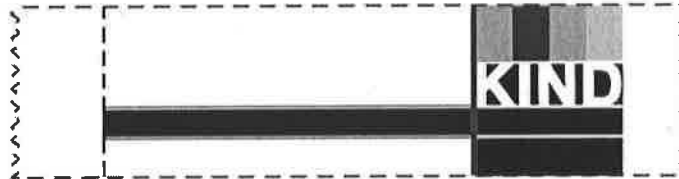


*David J. Kybas*

Director of the United States Patent and Trademark Office

# United States of America

## United States Patent and Trademark Office



**Reg. No. 3,882,221**

**Registered Nov. 30, 2010**

**Int. Cl.: 29**

**TRADEMARK**

**PRINCIPAL REGISTER**

KIND, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
P.O. BOX 1393  
OLD CHELSEA STATION, NY 10113

FOR: HEALTHY SNACKS, NAMELY, NUT AND SEED BASED SNACK BARS; PROCESSED FRUIT-AND NUT-BASED FOOD BARS, NUT BASED SNACK FOOD BARS, FRUIT BASED SNACK FOOD BARS ALSO CONTAINING NUTS, GRAINS, CEREALS AND DRIED FRUIT, IN CLASS 29 (U.S. CL. 46).

FIRST USE 2-18-2003; IN COMMERCE 2-18-2003.

OWNER OF U.S. REG. NO. 2,984,772.

THE COLOR(S) YELLOW, RED, GREEN, BLUE, BLACK AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORD "KIND" IN WHITE ON A HORIZONTAL BLACK BAR BENEATH A FOUR-COLOR PANEL CONSISTING OF THE COLORS YELLOW, RED, GREEN AND BLUE. UNDERNEATH THE BLACK BAR ARE TWO MORE BLACK BARS SEPARATED BY WHITE LINES. TO THE LEFT OF THE WORD "KIND" AND THE FOUR-COLOR PANEL IS A NARROW VERTICAL STRIPE IN RED. A BLACK STRIPE RUNS HORIZONTALLY ACROSS THE MIDDLE OF THE MARK AND EXTENDS TOWARDS THE RIGHT SIDE TO BECOME THE MIDDLE BLACK BAR BENEATH THE WORD "KIND". THE HORIZONTAL STRIPE IS DELINEATED BY WHITE LINES. AT THE LEFT EDGE OF THE LONG HORIZONTAL STRIPE IS A NARROW VERTICAL STRIPE IN BROKEN LINES TO SHOW PLACEMENT. THE LARGE WHITE AREAS ABOVE AND BELOW THE LONG HORIZONTAL STRIPE REPRESENT TRANSPARENT AREAS AND ARE NOT PART OF THE MARK, AND THE WHITE AREAS TO THE LEFT OF THE NARROW VERTICAL STRIPE AND TO THE RIGHT OF THE FOUR-COLOR PANEL REPRESENT TRANSPARENT AREAS OR BACKGROUND AND ARE NOT PART OF THE MARK. THE MATTER SHOWN BY THE BROKEN LINES DEPICTING THE OUTSIDE OF THE MARK AND THE NARROW VERTICAL STRIPE IS NOT A PART OF THE MARK AND SERVES ONLY TO INDICATE THE POSITION OF THE MARK ON THE GOODS.



SER. NO. 77-827,342, FILED 9-16-2009.

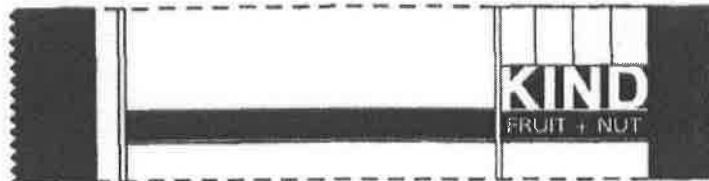
ROBIN MITTLER, EXAMINING ATTORNEY

*David J. Kyffers*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,097,493**

**Registered Feb. 14, 2012**

**Int. Cl.: 29**

**TRADEMARK**

**PRINCIPAL REGISTER**

PEACEWORKS HOLDINGS LLC (DELAWARE LIMITED LIABILITY COMPANY)  
PO BOX 1393 OLD CHELSEA STATION  
NEW YORK, NY 10113

FOR: NUTRITION BARS, NAMELY, NUT AND SEED BASED SNACK BARS; PROCESSED FRUIT-AND NUT-BASED FOOD BARS, NUT BASED SNACK FOOD BARS, FRUIT BASED SNACK FOOD BARS ALSO CONTAINING NUTS, GRAINS, CEREALS AND DRIED FRUIT, IN CLASS 29 (U.S. CL. 46).

FIRST USE 2-18-2003; IN COMMERCE 2-18-2003.

OWNER OF U.S. REG. NO. 2,984,772.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FRUIT + NUT" AND THE NONDISTINCTIVE PACKAGING CONFIGURATION, APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE PRODUCT PACKAGING TRADE DRESS FOR THE PRESENTATION OF READY TO EAT FOOD BARS AND THE TERMS "KIND FRUIT + NUT" ON THE PRODUCT PACKAGING. THE PACKAGING CONFIGURATION CONSISTS OF TWO LARGE TRANSPARENT PANELS OR WINDOWS THROUGH WHICH THE PRODUCT IS SEEN, THIS PANEL IS DIVIDED BY A NARROW BAND PLACED IN THE MIDDLE OF THE TRANSPARENT WINDOW. THE TERMS "FRUIT + NUT" APPEAR WITHIN THE BAND AND AT THE RIGHT HAND SIDE; AT EITHER END OF THE NARROW BAND IS A SOLID RECTANGULAR PANEL WHICH EXTENDS FROM THE TOP TO THE BOTTOM OF THE PACKAGING. THE WORD "KIND" APPEARS ON THE RIGHT OF THE PACKAGING ABOVE THE NARROW BAND AND THE WORDS "FRUIT + NUT". FOUR SMALLER VERTICAL RECTANGULAR BARS APPEAR ABOVE THE BOLD LETTERS "KIND". THE MATTER SHOWN IN BROKEN LINES IS NOT PART OF THE MARK AND SERVES ONLY TO SHOW THE POSITION OR PLACEMENT OF THE MARK.

SER. NO. 77-721,453, FILED 4-24-2009.

ELLEN PERKINS, EXAMINING ATTORNEY



*David J. Kyfas*

Director of the United States Patent and Trademark Office



**United States of America**  
United States Patent and Trademark Office

# KINDINGS

**Reg. No. 4,013,148**

**Registered Aug. 16, 2011**

**Int. Cl.: 29**

**TRADEMARK**

**PRINCIPAL REGISTER**

KIND, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
OLD CHELSEA STATION  
P.O. BOX 1393  
NEW YORK, NY 10113

FOR: HEALTHY SNACKS, NAMELY, NUT AND SEED BASED SNACK BARS; PROCESSED FRUIT AND NUT-BASED FOOD BARS, NUT BASED SNACK FOOD BARS, FRUIT BASED SNACK FOOD BARS ALSO CONTAINING NUTS, GRAINS, CEREALS AND DRIED FRUIT, IN CLASS 29 (U.S. CL. 46).

FIRST USE 6-0-2009; IN COMMERCE 7-5-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,984,772.

SN 77-903,894, FILED 1-2-2010.

JAMES GRIFFIN, EXAMINING ATTORNEY



*David J. Kyfas*

Director of the United States Patent and Trademark Office

**United States of America**  
United States Patent and Trademark Office

**KINDTASTIC**

**Reg. No. 4,053,499**

**Registered Nov. 8, 2011**

**Int. Cl.: 29**

**TRADEMARK**

**PRINCIPAL REGISTER**

KIND, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
PO BOX 705 MIDTOWN STATION  
NEW YORK, NY 10018

FOR: HEALTHY SNACKS, NAMELY, NUT AND SEED BASED SNACK BARS; PROCESSED FRUIT-AND NUT-BASED FOOD BARS, NUT BASED SNACK FOOD BARS, FRUIT BASED SNACK FOOD BARS ALSO CONTAINING NUTS, GRAINS, CEREALS AND DRIED FRUIT, IN CLASS 29 (U.S. CL. 46).

FIRST USE 2-1-2010; IN COMMERCE 4-22-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,984,772 AND 3,504,106.

SN 77-816,084, FILED 8-31-2009.

KATHERINE CONNOLLY, EXAMINING ATTORNEY



*David S. Kappas*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## KINDELICIOUS

**Reg. No. 4,049,775**

**Registered Nov. 1, 2011**

**Int. Cl.: 29**

**TRADEMARK**

**PRINCIPAL REGISTER**

KIND, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
PO BOX 705 MIDTOWN STATION  
NEW YORK, NY 10018

FOR: HEALTHY SNACKS, NAMELY, NUT AND SEED BASED SNACK BARS; PROCESSED FRUIT-AND NUT-BASED FOOD BARS, NUT BASED SNACK FOOD BARS, FRUIT BASED SNACK FOOD BARS ALSO CONTAINING NUTS, GRAINS, CEREALS AND DRIED FRUIT, IN CLASS 29 (U.S. CL. 46).

FIRST USE 2-1-2010; IN COMMERCE 4-27-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,984,772 AND 3,504,106.

SN 77-816,085, FILED 8-31-2009.

KATHERINE CONNOLLY, EXAMINING ATTORNEY



*David J. Kybas*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

# KIND

**Reg. No. 4,898,735**

**Registered Feb. 9, 2016**

**Int. Cl.: 35**

**SERVICE MARK**

**PRINCIPAL REGISTER**

KIND MANAGEMENT INC. (DELAWARE CORPORATION)  
1372 BROADWAY  
NEW YORK, NY 10018

FOR: ONLINE RETAIL STORE SERVICES AND MAIL ORDER SERVICES FEATURING SNACK FOODS, SNACK-RELATED GIFT SETS AND APPAREL, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-29-2005; IN COMMERCE 3-29-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-724,964, FILED 8-14-2015.

DANNEAN HETZEL, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,935,559**

KIND MANAGEMENT INC. (DELAWARE CORPORATION)  
1372 BROADWAY

**Registered Apr. 12, 2016**

NEW YORK, NY 10018

**Int. Cl.: 35**

**SERVICE MARK**

**PRINCIPAL REGISTER**

FOR: PROMOTING THE CHARITABLE GIVING OF OTHERS, NAMELY, TRACKING AND PUBLICIZING CHARITABLE DONATIONS AND RANDOM ACTS OF KINDNESS; PROMOTIONAL SERVICES, NAMELY, PROMOTING THE CHARITIES OF OTHERS; CHARITABLE SERVICES, NAMELY, MAKING MONETARY GRANTS TO INDIVIDUALS AND GROUPS WHO PROVIDE ACTS OF KINDNESS, SERVICES AND ACTIVITIES FOR PERSONS IN NEED; CHARITABLE SERVICES, NAMELY, ORGANIZING AND CONDUCTING VOLUNTEER PROGRAMS AND COMMUNITY SERVICE PROJECTS; CHARITABLE SERVICES, NAMELY, PROMOTING PUBLIC AWARENESS AND EDUCATION OF WORLD HUNGER, HUMAN RIGHTS, ENVIRONMENT, EXPLOITATION OF WOMEN, CHILDREN AND MEN, HOMELESSNESS, MAJOR HEALTH CHALLENGES, EDUCATION, SOCIAL JUSTICE AND POVERTY; CHARITABLE SERVICES, NAMELY, ORGANIZING AND DEVELOPING PROGRAMS AND EVENTS THAT AIM TO IMPROVE AND CLEAN UP THE ENVIRONMENT; CHARITABLE SERVICES, NAMELY, ORGANIZING AND DEVELOPING PROGRAMS AND EVENTS THAT AIM TO IMPROVE SCHOOLS; CHARITABLE SERVICES, NAMELY, ORGANIZING AND DEVELOPING PROGRAMS AND EVENTS THAT AIM TO IMPROVE THE LIVES OF SENIOR CITIZENS, WOMEN, CHILDREN, ACTIVE DUTY SOLDIERS, VETERANS AND PERSONS IN NEED; CHARITABLE SERVICES, NAMELY, PROVIDING CLOTHING, SCHOOL UNIFORMS, SHOES, FOOD AND DRINK, SCHOOL SUPPLIES, BOOKS, TEXT BOOKS, GIFTS, ART KITS, HEALING KITS, CARE PACKAGES, DIAPERS TO SENIOR CITIZENS, WOMEN, CHILDREN, ACTIVE DUTY SOLDIERS, VETERANS AND PERSONS IN NEED; AND CHARITABLE SERVICES, NAMELY, ORGANIZING AND CONDUCTING A VOLUNTEER OUTREACH PROGRAM PROVIDING FRESH FLOWERS TO PEOPLE TO INSPIRE ACTS OF KINDNESS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-0-2011; IN COMMERCE 2-0-2011.

THE MARK CONSISTS OF THE WORD "KIND" IN WHITE OUTLINED IN BLACK WITH A FOUR COLOR RECTANGULAR PANEL ABOVE THE TEXT CONSISTING OF FOUR COLORED VERTICAL RECTANGLES IN YELLOW, RED, GREEN AND BLUE. A THIN WHITE LINE OUTLINE IN BLACK APPEARS BETWEEN THE WORD "KIND" AND THE FOUR COLOR RECTANGULAR PANEL. THE BOTTOM PART OF THE THIN WHITE LINE CONNECTS WITH THE TOP PORTION OF THE WORD "KIND".



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**Reg. No. 4,935,559** THE COLOR(S) WHITE, BLACK, YELLOW, RED, GREEN AND BLUE IS/ARE CLAIMED  
AS A FEATURE OF THE MARK.

SER. NO. 86-676,861, FILED 6-29-2015.

KAREN K. BUSH, EXAMINING ATTORNEY

**United States of America**  
United States Patent and Trademark Office

**KIND**

**Reg. No. 4,940,908**

KIND MANAGEMENT INC. (DELAWARE CORPORATION)  
1372 BROADWAY  
NEW YORK, NY 10018

**Registered Apr. 19, 2016**

**Int. Cl.: 35**

**SERVICE MARK**

**PRINCIPAL REGISTER**

FOR: PROMOTING THE CHARITABLE GIVING OF OTHERS, NAMELY, TRACKING AND PUBLICIZING CHARITABLE DONATIONS AND RANDOM ACTS OF KINDNESS; PROMOTIONAL SERVICES, NAMELY, PROMOTING THE CHARITIES OF OTHERS; CHARITABLE SERVICES, NAMELY, MAKING MONETARY GRANTS TO INDIVIDUALS AND GROUPS WHO PROVIDE ACTS OF KINDNESS, SERVICES AND ACTIVITIES FOR PERSONS IN NEED; CHARITABLE SERVICES, NAMELY, ORGANIZING AND CONDUCTING VOLUNTEER PROGRAMS AND COMMUNITY SERVICE PROJECTS; CHARITABLE SERVICES, NAMELY, PROMOTING PUBLIC AWARENESS AND EDUCATION OF WORLD HUNGER, HUMAN RIGHTS, ENVIRONMENT, EXPLOITATION OF WOMEN, CHILDREN AND MEN, HOMELESSNESS, MAJOR HEALTH CHALLENGES, EDUCATION, SOCIAL JUSTICE AND POVERTY; CHARITABLE SERVICES, NAMELY, ORGANIZING AND DEVELOPING PROGRAMS AND EVENTS THAT AIM TO IMPROVE AND CLEAN UP THE ENVIRONMENT; CHARITABLE SERVICES, NAMELY, ORGANIZING AND DEVELOPING PROGRAMS AND EVENTS THAT AIM TO IMPROVE SCHOOLS; CHARITABLE SERVICES, NAMELY, ORGANIZING AND DEVELOPING PROGRAMS AND EVENTS THAT AIM TO IMPROVE THE LIVES OF SENIOR CITIZENS, WOMEN, CHILDREN, ACTIVE DUTY SOLDIERS, VETERANS AND PERSONS IN NEED; CHARITABLE SERVICES, NAMELY, PROVIDING CLOTHING, SCHOOL UNIFORMS, SHOES, FOOD AND DRINK, SCHOOL SUPPLIES, BOOKS, TEXT BOOKS, GIFTS, ART KITS, HEALING KITS, CARE PACKAGES, DIAPERS TO SENIOR CITIZENS, WOMEN, CHILDREN, ACTIVE DUTY SOLDIERS, VETERANS AND PERSONS IN NEED; AND CHARITABLE SERVICES, NAMELY, ORGANIZING AND CONDUCTING A VOLUNTEER OUTREACH PROGRAM PROVIDING FRESH FLOWERS TO PEOPLE TO INSPIRE ACTS OF KINDNESS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).



FIRST USE 2-0-2011; IN COMMERCE 2-0-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

SER. NO. 86-724,974, FILED 8-14-2015.

DANNEAN HETZEL, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

DO THE KIND THING FOR YOUR  
BODY, YOUR TASTE BUDS &  
YOUR WORLD

**Reg. No. 4,898,218**

**Registered Feb. 9, 2016**

**Int. Cls.: 29 and 30**

**TRADEMARK**

**PRINCIPAL REGISTER**

KIND MANAGEMENT INC. (DELAWARE CORPORATION)  
1372 BROADWAY  
NEW YORK, NY 10018

FOR: NUT BASED FOOD BARS; NUT AND SEED BASED FOOD BARS; FRUIT AND NUT FOOD BARS; SEED BASED FOOD BARS; HIGH PROTEIN NUT BASED FOOD BARS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-1-2013; IN COMMERCE 4-1-2013.

FOR: CEREAL BASED FOOD BARS; GRAIN BASED FOOD BARS ALSO CONTAINING NUTS; GRAIN BASED FOOD BARS ALSO CONTAINING DRIED FRUIT, SEEDS, QUINOA AND OTHER INGREDIENTS; CEREAL BASED SNACK FOOD CLUSTERS; CEREAL BASED SNACK FOOD CLUSTERS CONSISTING PRIMARILY OF WHOLE GRAINS, NUTS, FRUITS, SEEDS AND ALSO CONTAINING OTHER INGREDIENTS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 10-0-2013; IN COMMERCE 10-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-682,586, FILED 7-2-2015.

DANNEAN HETZEL, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office



# United States of America

United States Patent and Trademark Office

DO THE KIND THING FOR YOUR  
TASTE BUDS

**Reg. No. 4,898,192**

**Registered Feb. 9, 2016**

**Int. Cls.: 29 and 30**

**TRADEMARK**

**PRINCIPAL REGISTER**

KIND MANAGEMENT INC. (DELAWARE CORPORATION)  
1372 BROADWAY  
NEW YORK, NY 10018

FOR: NUT BASED FOOD BARS; NUT AND SEED BASED FOOD BARS; FRUIT AND NUT FOOD BARS; SEED BASED FOOD BARS; HIGH PROTEIN NUT BASED FOOD BARS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-1-2013; IN COMMERCE 9-4-2013.

FOR: CEREAL BASED FOOD BARS; GRAIN BASED FOOD BARS ALSO CONTAINING NUTS; GRAIN BASED FOOD BARS ALSO CONTAINING DRIED FRUIT, SEEDS, QUINOA AND OTHER INGREDIENTS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 11-0-2014; IN COMMERCE 11-0-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-681,580, FILED 7-2-2015.

DANNEAN HETZEL, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

Generated on: This page was generated by TSDR on 2016-06-27 15:57:50 EDT

Mark: KIND



US Serial Number: 86676867

Application Filing Date: Jun. 29, 2015

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

Status: Suspension check completed. Application remains suspended.

Status Date: Jun. 16, 2016

## Mark Information

Mark Literal Elements: KIND

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the word "KIND" in white outlined in black with a four color rectangular panel above the text consisting of four colored vertical rectangles in yellow, red, green and blue. A thin white line outline in black appears between the word "KIND" and the four color rectangular panel. The bottom part of the thin white line connects with the top portion of the word "KIND".

Color Drawing: Yes

Color(s) Claimed: The color(s) white, black, yellow, red, green and blue is/are claimed as a feature of the mark.

Design Search Code(s): 26.11.14 - Rectangles (three or more rectangles); Three or more rectangles

26.11.16 - Rectangles touching or intersecting

26.11.21 - Rectangles that are completely or partially shaded

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Online retail store services and mail order services featuring snack foods, snack-related gift sets and apparel

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 29, 2005

Use in Commerce: Mar. 29, 2005

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

**Owner Name:** KIND Management Inc.

**Owner Address:** 1372 Broadway  
New York, NEW YORK 10018  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Margarita Wallach

**Docket Number:** 125929

**Attorney Primary** [mwallach@mccarter.com](mailto:mwallach@mccarter.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** MARGARITA WALLACH  
**Name/Address:** McCarter & English Llp  
245 Park Ave Fl 27  
New York, NEW YORK 10167-2801  
UNITED STATES

**Phone:** (212) 609-6800

**Fax:** (212) 609-6921

**Correspondent e-mail:** [mwallach@mccarter.com](mailto:mwallach@mccarter.com) [dlynch@mccarter.com](mailto:dlynch@mccarter.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jun. 16, 2016	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	77976
Jun. 09, 2016	ASSIGNED TO LIE	77976
Dec. 02, 2015	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Dec. 02, 2015	LETTER OF SUSPENSION E-MAILED	6332
Dec. 02, 2015	SUSPENSION LETTER WRITTEN	67516
Nov. 09, 2015	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Oct. 08, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 08, 2015	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 08, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 08, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 08, 2015	EXAMINERS AMENDMENT -WRITTEN	67516
Oct. 07, 2015	ASSIGNED TO EXAMINER	67516
Jul. 07, 2015	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jul. 06, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 02, 2015	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** BUSH, KAREN K

**Law Office** LAW OFFICE 108  
**Assigned:**

### File Location

**Current Location:** TMEG LAW OFFICE 108

**Date in Location:** Jun. 16, 2016

## Proceedings

### Summary

**Number of** 7  
**Proceedings:**

**Type of Proceeding: Opposition****Proceeding Number:** [91227394](#)**Filing Date:** Apr 18, 2016**Status:** Pending**Status Date:** Apr 18, 2016**Interlocutory Attorney:** ELIZABETH A DUNN**Defendant****Name:** Creminelli Fine Meats, LLC**Correspondent Address:** Nadya Davis  
Holland & Hart LLP  
PO Box 8749  
Denver CO , 80201  
UNITED STATES**Correspondent e-mail:** [doCKET@hollandhart.com](mailto:doCKET@hollandhart.com) , [ncdavis@hollandhart.com](mailto:ncdavis@hollandhart.com) , [egguackenbush@hollandhart.com](mailto:egguackenbush@hollandhart.com) , [shavlick@hollandhart.com](mailto:shavlick@hollandhart.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRAFTED WITH KINDNESS	Opposition Pending	<a href="#">86530390</a>	

**Plaintiff(s)****Name:** KIND Management Inc.**Correspondent Address:** Margarita Wallach  
MCCARTER & ENGLISH LLP  
245 Park Avenue, 27th Floor  
New York NY , 10167  
UNITED STATES**Correspondent e-mail:** [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [dlynch@mccarter.com](mailto:dlynch@mccarter.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
DO THE KIND THING FOR YOUR BODY	Registered	<a href="#">86779107</a>	<a href="#">4898800</a>
DO THE KIND THING FOR YOUR WORLD	Registered	<a href="#">86779105</a>	<a href="#">4898799</a>
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86676867</a>	
KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS & YOUR WORLD	Registered	<a href="#">86682586</a>	<a href="#">4898218</a>
DO THE KIND THING FOR YOUR TASTE BUDS	Registered	<a href="#">86681580</a>	<a href="#">4898192</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 18, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 18, 2016	May 28, 2016
3	PENDING, INSTITUTED	Apr 18, 2016	
4	CHANGE OF CORRESP ADDRESS	Apr 29, 2016	
5	STIP FOR EXT	May 24, 2016	
6	EXTENSION OF TIME GRANTED	May 24, 2016	
7	STIP FOR EXT	Jun 24, 2016	
8	EXTENSION OF TIME GRANTED	Jun 24, 2016	

**Type of Proceeding: Opposition****Proceeding** [91227400](#)**Filing Date:** Apr 18, 2016

Number: \_\_\_\_\_

Status: Pending

Status Date: Apr 18, 2016

Interlocutory  
Attorney: GEORGE POLOGEORGIS

**Defendant**

Name: Creminelli Fine Meats, LLC

Correspondent Nadya Davis

Address: Holland and Hart LLP  
PO Box 8749 Attn: Trademark Docketing  
Denver CO , 80201  
UNITED STATES

Correspondent e-mail: [docket@hollandhart.com](mailto:docket@hollandhart.com) , [ncdavis@hollandhart.com](mailto:ncdavis@hollandhart.com) , [egguackenbush@hollandhart.com](mailto:egguackenbush@hollandhart.com) , [shavlick@hollandhart.com](mailto:shavlick@hollandhart.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRAFTED WITH KINDNESS	Opposition Pending	<a href="#">86530395</a>	

**Plaintiff(s)**

Name: KIND MANAGEMENT INC.

Correspondent Margarita Wallach

Address: MCCARTER & ENGLISH LLP  
245 Park Avenue, 27th Floor  
New York NY , 10167  
UNITED STATES

Correspondent e-mail: [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [dlynch@mccarter.com](mailto:dlynch@mccarter.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
DO THE KIND THING FOR YOUR BODY	Registered	<a href="#">86779107</a>	<a href="#">4898800</a>
DO THE KIND THING FOR YOUR WORLD	Registered	<a href="#">86779105</a>	<a href="#">4898799</a>
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86676867</a>	
KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS & YOUR WORLD	Registered	<a href="#">86682586</a>	<a href="#">4898218</a>
DO THE KIND THING FOR YOUR TASTE BUDS	Registered	<a href="#">86681580</a>	<a href="#">4898192</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 18, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 18, 2016	May 28, 2016
3	PENDING, INSTITUTED	Apr 18, 2016	
4	CHANGE OF CORRESP ADDRESS	Apr 29, 2016	
5	STIP FOR EXT	May 24, 2016	
6	EXTENSION OF TIME GRANTED	May 24, 2016	
7	STIP FOR EXT	Jun 24, 2016	
8	EXTENSION OF TIME GRANTED	Jun 24, 2016	

**Type of Proceeding: Opposition**

Proceeding Number: [91226681](#)

Filing Date: Mar 02, 2016

Status: Terminated

Status Date: Jun 06, 2016

Interlocutory Attorney: JENNIFER KRISP

**Defendant**

Name: Kindness Foods, LLC

Correspondent Address: KINDNESS FOODS LLC  
39B DUNES LN  
PORT WASHINGTON NY , 11050-1407  
UNITED STATES

Correspondent e-mail: [jen@kindnessfoods.net](mailto:jen@kindnessfoods.net)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
KINDNESS FOODS	Abandoned - After Inter-Partes Decision	<a href="#">86632272</a>	

**Plaintiff(s)**

Name: Kind Management Inc.

Correspondent Address: MARARITA WALLACH  
MCCARTER & ENGLISH LLP  
245 PARK AVENUE, 27TH FLOOR  
NEW YORK NY , 10167  
UNITED STATES

Correspondent e-mail: [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [dpopovic@mccarter.com](mailto:dpopovic@mccarter.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
DO THE KIND THING FOR YOUR BODY	Registered	<a href="#">86779107</a>	<a href="#">4898800</a>
DO THE KIND THING FOR YOUR WORLD	Registered	<a href="#">86779105</a>	<a href="#">4898799</a>
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86676867</a>	
KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
KIND	Registered	<a href="#">86676861</a>	<a href="#">4935559</a>
KIND	Registered	<a href="#">86724974</a>	<a href="#">4940908</a>
KIND	Publication/Issue Review Complete	<a href="#">86676865</a>	
KIND	Published For Opposition	<a href="#">86724943</a>	
DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS & YOUR WORLD	Registered	<a href="#">86682586</a>	<a href="#">4898218</a>
DO THE KIND THING FOR YOUR TASTE BUDS	Registered	<a href="#">86681580</a>	<a href="#">4898192</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 02, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 02, 2016	Apr 11, 2016
3	PENDING, INSTITUTED	Mar 02, 2016	
4	NOTICE OF DEFAULT	Apr 26, 2016	
5	BD DECISION: SUSTAINED	Jun 06, 2016	
6	TERMINATED	Jun 06, 2016	

**Type of Proceeding: Opposition**

Proceeding Number: [91225347](#)

Filing Date: Dec 14, 2015

**Status:** Pending

**Status Date:** Dec 14, 2015

**Interlocutory Attorney:** ELIZABETH A DUNN

**Defendant**

**Name:** April Valencia

**Correspondent Address:** TERESA LEE  
PRYOR & CASHMAN LLP  
7 TIMES SQ FL 3  
NEW YORK NY , 10036-6569  
UNITED STATES

**Correspondent e-mail:** [tlee@pryorcashman.com](mailto:tlee@pryorcashman.com) , [tmdocketing@pryorcashman.com](mailto:tmdocketing@pryorcashman.com) , [mhuq@pryorcashman.com](mailto:mhuq@pryorcashman.com) , [jalbrink@pryorcashman.com](mailto:jalbrink@pryorcashman.com) , [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
NATIVE KIND	Opposition Pending	<a href="#">86513002</a>	

**Plaintiff(s)**

**Name:** KIND Management Inc.

**Correspondent Address:** MARGARITA WALLACH  
MCCARTER & ENGLISH LLP  
245 PARK AVENUE, 27TH FLOOR  
NEW YORK NY , 10167  
UNITED STATES

**Correspondent e-mail:** [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [dpopovic@mccarter.com](mailto:dpopovic@mccarter.com) , [dlynch@mccarter.com](mailto:dlynch@mccarter.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
KIND	Published For Opposition	<a href="#">86702578</a>	
KIND	Published For Opposition	<a href="#">86724924</a>	
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86676867</a>	
KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
KIND	Registered	<a href="#">86676861</a>	<a href="#">4935559</a>
KIND	Registered	<a href="#">86724974</a>	<a href="#">4940908</a>
KIND	Publication/Issue Review Complete	<a href="#">86676865</a>	
KIND	Published For Opposition	<a href="#">86724943</a>	
DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS & YOUR WORLD	Registered	<a href="#">86682586</a>	<a href="#">4898218</a>
DO THE KIND THING FOR YOUR TASTE BUDS	Registered	<a href="#">86681580</a>	<a href="#">4898192</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 14, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 14, 2015	Jan 23, 2016
3	PENDING, INSTITUTED	Dec 14, 2015	
4	D MOT FOR EXT W/ CONSENT	Jan 12, 2016	
5	EXTENSION OF TIME GRANTED	Jan 12, 2016	
6	ANSWER	Feb 22, 2016	
7	P MOT FOR EXT W/ CONSENT	Apr 22, 2016	
8	EXTENSION OF TIME GRANTED	Apr 22, 2016	

9	P MOT FOR EXT W/ CONSENT	May 20, 2016
10	EXTENSION OF TIME GRANTED	May 24, 2016
11	P MOT FOR EXT W/ CONSENT	Jun 20, 2016
12	EXTENSION OF TIME GRANTED	Jun 21, 2016

### Type of Proceeding: Opposition

**Proceeding Number:** [91225350](#)

**Filing Date:** Dec 14, 2015

**Status:** Pending

**Status Date:** Dec 14, 2015

**Interlocutory Attorney:** ELIZABETH WINTER

### Defendant

**Name:** April Valencia

**Correspondent** TERESA LEE

**Address:** PRYOR & CASHMAN LLP  
7 TIMES SQ FL 3  
NEW YORK NY , 10036-6569  
UNITED STATES

**Correspondent e-mail:** [tlee@pryorcashman.com](mailto:tlee@pryorcashman.com) , [tmdocketing@pryorcashman.com](mailto:tmdocketing@pryorcashman.com) , [mhuq@pryorcashman.com](mailto:mhuq@pryorcashman.com) , [jalbrink@pryorcashman.com](mailto:jalbrink@pryorcashman.com) , [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
NATIVE KIND	Opposition Pending	<a href="#">86512898</a>	

### Plaintiff(s)

**Name:** KIND Management Inc.

**Correspondent** MARGARITA WALLACH

**Address:** MCCARTER & ENGLISH LLP  
245 PARK AVENUE, 27TH FLOOR  
NEW YORK NY , 10167  
UNITED STATES

**Correspondent e-mail:** [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [dpopovic@mccarter.com](mailto:dpopovic@mccarter.com) , [dlynch@mccarter.com](mailto:dlynch@mccarter.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
KIND	Published For Opposition	<a href="#">86702578</a>	
KIND	Published For Opposition	<a href="#">86724924</a>	
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86676867</a>	
KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
KIND	Registered	<a href="#">86676861</a>	<a href="#">4935559</a>
KIND	Registered	<a href="#">86724974</a>	<a href="#">4940908</a>
KIND	Publication/Issue Review Complete	<a href="#">86676865</a>	
KIND	Published For Opposition	<a href="#">86724943</a>	
DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS & YOUR WORLD	Registered	<a href="#">86682586</a>	<a href="#">4898218</a>
DO THE KIND THING FOR YOUR TASTE BUDS	Registered	<a href="#">86681580</a>	<a href="#">4898192</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 14, 2015	



2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 14, 2015	Jan 23, 2016
3	PENDING, INSTITUTED	Dec 14, 2015	
4	D MOT FOR EXT W/ CONSENT	Jan 12, 2016	
5	EXTENSION OF TIME GRANTED	Jan 12, 2016	
6	ANSWER	Feb 22, 2016	
7	P MOT FOR EXT W/ CONSENT	Apr 22, 2016	
8	EXTENSION OF TIME GRANTED	Apr 22, 2016	
9	P MOT FOR EXT W/ CONSENT	May 20, 2016	
10	EXTENSION OF TIME GRANTED	May 24, 2016	
11	P MOT FOR EXT W/ CONSENT	Jun 20, 2016	
12	EXTENSION OF TIME GRANTED	Jun 21, 2016	

#### Type of Proceeding: Opposition

**Proceeding Number:** [91225351](#)

**Filing Date:** Dec 14, 2015

**Status:** Pending

**Status Date:** Dec 14, 2015

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

#### Defendant

**Name:** April Valencia

**Correspondent Address:** TERESA LEE  
PRYOR & CASHMAN LLP  
7 TIMES SQ FL 3  
NEW YORK NY , 10036-6569  
UNITED STATES

**Correspondent e-mail:** [tlee@pryorcashman.com](mailto:tlee@pryorcashman.com) , [tmocketing@pryorcashman.com](mailto:tmocketing@pryorcashman.com) , [mhuq@pryorcashman.com](mailto:mhuq@pryorcashman.com) , [jalbrink@pryorcashman.com](mailto:jalbrink@pryorcashman.com) , [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
NATIVE KIND	Opposition Pending	<a href="#">86512858</a>	

#### Plaintiff(s)

**Name:** KIND Management Inc.

**Correspondent Address:** MARGARITA WALLACH  
MCCARTER & ENGLISH LLP  
245 PARK AVENUE, 27TH FLOOR  
NEW YORK NY , 10167  
UNITED STATES

**Correspondent e-mail:** [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [dpopovic@mccarter.com](mailto:dpopovic@mccarter.com) , [dlynch@mccarter.com](mailto:dlynch@mccarter.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
KIND	Published For Opposition	<a href="#">86702578</a>	
KIND	Published For Opposition	<a href="#">86724924</a>	
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86676867</a>	
KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
KIND	Registered	<a href="#">86676861</a>	<a href="#">4935559</a>
KIND	Registered	<a href="#">86724974</a>	<a href="#">4940908</a>
KIND	Publication/Issue Review Complete	<a href="#">86676865</a>	

KIND	Published For Opposition	<a href="#">86724943</a>	
DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS & YOUR WORLD	Registered	<a href="#">86682586</a>	<a href="#">4898218</a>
DO THE KIND THING FOR YOUR TASTE BUDS	Registered	<a href="#">86681580</a>	<a href="#">4898192</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 14, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 14, 2015	Jan 23, 2016
3	PENDING, INSTITUTED	Dec 14, 2015	
4	D MOT FOR EXT W/ CONSENT	Jan 12, 2016	
5	EXTENSION OF TIME GRANTED	Jan 12, 2016	
6	ANSWER	Feb 22, 2016	
7	P MOT FOR EXT W/ CONSENT	Apr 22, 2016	
8	EXTENSION OF TIME GRANTED	Apr 22, 2016	
9	P MOT FOR EXT W/ CONSENT	May 20, 2016	
10	EXTENSION OF TIME GRANTED	May 24, 2016	
11	P MOT FOR EXT W/ CONSENT	Jun 20, 2016	
12	EXTENSION OF TIME GRANTED	Jun 21, 2016	

#### Type of Proceeding: Opposition

**Proceeding Number:** [91225358](#) **Filing Date:** Dec 14, 2015  
**Status:** Pending **Status Date:** Dec 14, 2015  
**Interlocutory Attorney:** YONG OH (RICHARD) KIM

#### Defendant

**Name:** April Valencia  
**Correspondent Address:** TERESA LEE  
 PRYOR & CASHMAN LLP  
 7 TIMES SQ FL 3  
 NEW YORK NY , 10036-6569  
 UNITED STATES  
**Correspondent e-mail:** [tlee@pryorcashman.com](mailto:tlee@pryorcashman.com) , [tmddocketing@pryorcashman.com](mailto:tmddocketing@pryorcashman.com) , [mhuq@pryorcashman.com](mailto:mhuq@pryorcashman.com) , [jallbrink@pryorcashman.com](mailto:jallbrink@pryorcashman.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [mwallach@mccarter.com](mailto:mwallach@mccarter.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
NATIVE KIND	Opposition Pending	<a href="#">86512966</a>	

#### Plaintiff(s)

**Name:** Kind Management Inc.  
**Correspondent Address:** MARGARITA WALLACH  
 MCCARTER & ENGLISH LLP  
 245 PARK AVENUE, 27TH FLOOR  
 NEW YORK NY , 10167  
 UNITED STATES  
**Correspondent e-mail:** [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [dpopovic@mccarter.com](mailto:dpopovic@mccarter.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
KIND	Published For Opposition	<a href="#">86702578</a>	

KIND	Published For Opposition	<a href="#">86724924</a>	
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86676867</a>	
KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
KIND	Registered	<a href="#">86676861</a>	<a href="#">4935559</a>
KIND	Registered	<a href="#">86724974</a>	<a href="#">4940908</a>
KIND	Publication/Issue Review Complete	<a href="#">86676865</a>	
KIND	Published For Opposition	<a href="#">86724943</a>	
DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS & YOUR WORLD	Registered	<a href="#">86682586</a>	<a href="#">4898218</a>
DO THE KIND THING FOR YOUR TASTE BUDS	Registered	<a href="#">86681580</a>	<a href="#">4898192</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 14, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 15, 2015	Jan 24, 2016
3	PENDING, INSTITUTED	Dec 15, 2015	
4	D MOT FOR EXT W/ CONSENT	Jan 12, 2016	
5	EXTENSION OF TIME GRANTED	Jan 12, 2016	
6	ANSWER	Feb 22, 2016	
7	P MOT FOR EXT W/ CONSENT	Apr 22, 2016	
8	EXTENSION OF TIME GRANTED	Apr 22, 2016	
9	P MOT FOR EXT W/ CONSENT	May 20, 2016	
10	EXTENSION OF TIME GRANTED	May 25, 2016	
11	P MOT FOR EXT W/ CONSENT	Jun 21, 2016	
12	EXTENSION OF TIME GRANTED	Jun 23, 2016	

**Generated on:** This page was generated by TSDR on 2016-06-27 16:00:06 EDT

**Mark:** KIND



**US Serial Number:** 86676865

**Application Filing Date:** Jun. 29, 2015

**Filed as TEAS RF:** Yes

**Currently TEAS RF:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

**Status:** Review prior to publication completed.

**Status Date:** May 24, 2016

**Publication Date:** Jun. 28, 2016

## Mark Information

**Mark Literal Elements:** KIND

**Standard Character Claim:** No

**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

**Description of Mark:** The mark consists of the word "KIND" in white with a four color rectangular panel above the text consisting of four colored vertical rectangles in yellow, red, green and blue. A thin white line appears between the word "KIND" and the four color rectangular panel. The bottom part of the thin white line connects with the top portion of the word "KIND". The black outlining of the letters and of the thin white line is not being claimed as a feature of the mark and it represents only outlining. The white color in between and behind the letters is background.

**Color Drawing:** Yes

**Color(s) Claimed:** The color(s) white, yellow, red, green and blue is/are claimed as a feature of the mark.

**Design Search Code(s):** 26.11.14 - Rectangles (three or more rectangles); Three or more rectangles

26.11.16 - Rectangles touching or intersecting

26.11.21 - Rectangles that are completely or partially shaded

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

**For:** (Based on Use in Commerce) Providing a website featuring blogs and non-downloadable publications in the nature of articles in the field of charitable giving and service; and educational services, namely, non-downloadable electronic publications in the nature of booklets, newsletters, pamphlets, brochures, reports, fliers, leaflets, bulletins and blogs in the field of philanthropy, nutrition, health and wellness, self-improvement, social justice and social responsibility and awareness; (Based on Intent to Use) Educational services, namely, classes, seminars, workshops, training, mentoring, and guides in the field of philanthropy, nutrition, health and wellness, self-improvement, career counseling, social justice and social responsibility and awareness; educational services, namely, non-downloadable electronic publications in the nature of booklets, newsletters, pamphlets, brochures, reports, fliers, leaflets, bulletins and blogs in the field of career counseling

**International Class(es):** 041 - Primary Class

**U.S Class(es):** 100, 101, 107

**Class Status:** ACTIVE

**Basis:** 1(a) 1(b)

**First Use:** May 03, 2013

**Use in Commerce:** May 03, 2013

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** No

**Currently ITU:** Yes

**Amended ITU:** Yes

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** KIND Management Inc.

**Owner Address:** 1372 Broadway  
New York, NEW YORK UNITED STATES 10018

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Margarita Wallach

**Docket Number:** 125929

**Attorney Primary** [mwallach@mccarter.com](mailto:mwallach@mccarter.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** MARGARITA WALLACH  
**Name/Address:** McCarter & English Llp  
245 Park Ave Fl 27  
New York, NEW YORK UNITED STATES 10167-2801

**Phone:** (212) 609-6800

**Fax:** (212) 609-6921

**Correspondent e-mail:** [mwallach@mccarter.com](mailto:mwallach@mccarter.com) [dlynch@mccarter.com](mailto:dlynch@mccarter.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jun. 08, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 24, 2016	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
May 13, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 28, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	73296
Apr. 28, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	73296
Apr. 25, 2016	ASSIGNED TO LIE	73296
Apr. 08, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 08, 2015	NOTIFICATION OF EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Oct. 08, 2015	EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Oct. 08, 2015	COMBINED EXAMINER'S AMENDMENT/PRIORITY ACTION AUTOMATIC ENTRY	67516
Oct. 08, 2015	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	67516
Oct. 07, 2015	ASSIGNED TO EXAMINER	67516
Jul. 07, 2015	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jul. 06, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 02, 2015	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

TM Attorney: BUSH, KAREN K

Law Office: LAW OFFICE 108

Assigned:

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 24, 2016

## Proceedings

### Summary

Number of  
Proceedings: 6

### Type of Proceeding: Opposition

Proceeding  
Number: [91228345](#)

Filing Date: Jun 08, 2016

Status: Pending

Status Date: Jun 08, 2016

Interlocutory  
Attorney: ANDREW P BAXLEY

### Defendant

Name: Temerity Media Inc.

Correspondent  
Address: Joan Rochman  
Manatt, Phelps & Phillips, LLP  
11355 W. Olympic Blvd.  
Los Angeles CA , 90064

Correspondent e-  
mail: [JRochman@manatt.com](mailto:JRochman@manatt.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
THEKIND	Opposition Pending	<a href="#">86757699</a>	

### Plaintiff(s)

Name: KIND Management Inc.

Correspondent  
Address: Margarita Wallach  
McCarter & English, LLP  
245 Park Avenue, 27th Floor  
New York NY UNITED STATES , 10167

Correspondent e-  
mail: [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [dlynch@mccarter.com](mailto:dlynch@mccarter.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86628156</a>	
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86680029</a>	
KIND	First Extension - Granted	<a href="#">86628182</a>	
KIND	Publication/Issue Review Complete	<a href="#">86676865</a>	
KIND	Notice of Allowance - Issued	<a href="#">86680045</a>	
KIND	Published For Opposition	<a href="#">86724943</a>	

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 08, 2016	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 08, 2016	Jul 18, 2016
3	PENDING, INSTITUTED	Jun 08, 2016	

### Type of Proceeding: Opposition

**Proceeding Number:** [91226681](#)

**Filing Date:** Mar 02, 2016

**Status:** Terminated

**Status Date:** Jun 06, 2016

**Interlocutory Attorney:** JENNIFER KRISP

### Defendant

**Name:** Kindness Foods, LLC

**Correspondent Address:** KINDNESS FOODS LLC

39B DUNES LN  
PORT WASHINGTON NY UNITED STATES , 11050-1407

**Correspondent e-mail:** [jen@kindnessfoods.net](mailto:jen@kindnessfoods.net)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
KINDNESS FOODS	Abandoned - After Inter-Partes Decision	<a href="#">86632272</a>	

### Plaintiff(s)

**Name:** Kind Management Inc.

**Correspondent Address:** MARARITA WALLACH

MCCARTER & ENGLISH LLP  
245 PARK AVENUE, 27TH FLOOR  
NEW YORK NY UNITED STATES , 10167

**Correspondent e-mail:** [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [dpopovic@mccarter.com](mailto:dpopovic@mccarter.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
DO THE KIND THING FOR YOUR BODY	Registered	<a href="#">86779107</a>	<a href="#">4898800</a>
DO THE KIND THING FOR YOUR WORLD	Registered	<a href="#">86779105</a>	<a href="#">4898799</a>
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86676867</a>	
KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
KIND	Registered	<a href="#">86676861</a>	<a href="#">4935559</a>
KIND	Registered	<a href="#">86724974</a>	<a href="#">4940908</a>
KIND	Publication/Issue Review Complete	<a href="#">86676865</a>	
KIND	Published For Opposition	<a href="#">86724943</a>	
DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS & YOUR WORLD	Registered	<a href="#">86682586</a>	<a href="#">4898218</a>
DO THE KIND THING FOR YOUR TASTE BUDS	Registered	<a href="#">86681580</a>	<a href="#">4898192</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 02, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 02, 2016	Apr 11, 2016
3	PENDING, INSTITUTED	Mar 02, 2016	
4	NOTICE OF DEFAULT	Apr 26, 2016	
5	BD DECISION: SUSTAINED	Jun 06, 2016	
6	TERMINATED	Jun 06, 2016	

**Type of Proceeding: Opposition****Proceeding Number:** [91225347](#)**Filing Date:** Dec 14, 2015**Status:** Pending**Status Date:** Dec 14, 2015**Interlocutory Attorney:** ELIZABETH A DUNN**Defendant****Name:** April Valencia**Correspondent Address:** TERESA LEE  
PRYOR & CASHMAN LLP  
7 TIMES SQ FL 3  
NEW YORK NY UNITED STATES , 10036-6569**Correspondent e-mail:** [tlee@pryorcashman.com](mailto:tlee@pryorcashman.com) , [tmddocketing@pryorcashman.com](mailto:tmddocketing@pryorcashman.com) , [mhuq@pryorcashman.com](mailto:mhuq@pryorcashman.com) , [jalbrink@pryorcashman.com](mailto:jalbrink@pryorcashman.com) , [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
NATIVE KIND	Opposition Pending	<a href="#">86513002</a>	
<b>Plaintiff(s)</b>			

**Name:** KIND Management Inc.**Correspondent Address:** MARGARITA WALLACH  
MCCARTER & ENGLISH LLP  
245 PARK AVENUE, 27TH FLOOR  
NEW YORK NY UNITED STATES , 10167**Correspondent e-mail:** [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [dpopovic@mccarter.com](mailto:dpopovic@mccarter.com) , [dlynch@mccarter.com](mailto:dlynch@mccarter.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
KIND	Published For Opposition	<a href="#">86702578</a>	
KIND	Published For Opposition	<a href="#">86724924</a>	
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86676867</a>	
KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
KIND	Registered	<a href="#">86676861</a>	<a href="#">4935559</a>
KIND	Registered	<a href="#">86724974</a>	<a href="#">4940908</a>
KIND	Publication/Issue Review Complete	<a href="#">86676865</a>	
KIND	Published For Opposition	<a href="#">86724943</a>	
DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS & YOUR WORLD	Registered	<a href="#">86682586</a>	<a href="#">4898218</a>
DO THE KIND THING FOR YOUR TASTE BUDS	Registered	<a href="#">86681580</a>	<a href="#">4898192</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 14, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 14, 2015	Jan 23, 2016
3	PENDING, INSTITUTED	Dec 14, 2015	
4	D MOT FOR EXT W/ CONSENT	Jan 12, 2016	
5	EXTENSION OF TIME GRANTED	Jan 12, 2016	
6	ANSWER	Feb 22, 2016	
	P MOT FOR EXT W/ CONSENT		



7		Apr 22, 2016
8	EXTENSION OF TIME GRANTED	Apr 22, 2016
9	P MOT FOR EXT W/ CONSENT	May 20, 2016
10	EXTENSION OF TIME GRANTED	May 24, 2016
11	P MOT FOR EXT W/ CONSENT	Jun 20, 2016
12	EXTENSION OF TIME GRANTED	Jun 21, 2016

### Type of Proceeding: Opposition

**Proceeding Number:** [91225350](#)

**Filing Date:** Dec 14, 2015

**Status:** Pending

**Status Date:** Dec 14, 2015

**Interlocutory Attorney:** ELIZABETH WINTER

### Defendant

**Name:** April Valencia

**Correspondent** TERESA LEE

**Address:** PRYOR & CASHMAN LLP  
7 TIMES SQ FL 3  
NEW YORK NY UNITED STATES , 10036-6569

**Correspondent e-mail:** [tle@pryorcashman.com](mailto:tle@pryorcashman.com) , [tmdocketing@pryorcashman.com](mailto:tmdocketing@pryorcashman.com) , [mhuq@pryorcashman.com](mailto:mhuq@pryorcashman.com) , [jalbrink@pryorcashman.com](mailto:jalbrink@pryorcashman.com) , [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
NATIVE KIND	Opposition Pending	<a href="#">86512898</a>	

### Plaintiff(s)

**Name:** KIND Management Inc.

**Correspondent** MARGARITA WALLACH

**Address:** MCCARTER & ENGLISH LLP  
245 PARK AVENUE, 27TH FLOOR  
NEW YORK NY UNITED STATES , 10167

**Correspondent e-mail:** [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [dpopovic@mccarter.com](mailto:dpopovic@mccarter.com) , [dlynch@mccarter.com](mailto:dlynch@mccarter.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
KIND	Published For Opposition	<a href="#">86702578</a>	
KIND	Published For Opposition	<a href="#">86724924</a>	
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86676867</a>	
KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
KIND	Registered	<a href="#">86676861</a>	<a href="#">4935559</a>
KIND	Registered	<a href="#">86724974</a>	<a href="#">4940908</a>
KIND	Publication/Issue Review Complete	<a href="#">86676865</a>	
KIND	Published For Opposition	<a href="#">86724943</a>	
DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS & YOUR WORLD	Registered	<a href="#">86682586</a>	<a href="#">4898218</a>
DO THE KIND THING FOR YOUR TASTE BUDS	Registered	<a href="#">86681580</a>	<a href="#">4898192</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 14, 2015	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 14, 2015	Jan 23, 2016
3	PENDING, INSTITUTED	Dec 14, 2015	
4	D MOT FOR EXT W/ CONSENT	Jan 12, 2016	
5	EXTENSION OF TIME GRANTED	Jan 12, 2016	
6	ANSWER	Feb 22, 2016	
7	P MOT FOR EXT W/ CONSENT	Apr 22, 2016	
8	EXTENSION OF TIME GRANTED	Apr 22, 2016	
9	P MOT FOR EXT W/ CONSENT	May 20, 2016	
10	EXTENSION OF TIME GRANTED	May 24, 2016	
11	P MOT FOR EXT W/ CONSENT	Jun 20, 2016	
12	EXTENSION OF TIME GRANTED	Jun 21, 2016	

#### Type of Proceeding: Opposition

**Proceeding Number:** [91225351](#)

**Filing Date:** Dec 14, 2015

**Status:** Pending

**Status Date:** Dec 14, 2015

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

#### Defendant

**Name:** April Valencia

**Correspondent** TERESA LEE

**Address:** PRYOR & CASHMAN LLP  
7 TIMES SQ FL 3  
NEW YORK NY UNITED STATES , 10036-6569

**Correspondent e-mail:** [tlee@pryorcashman.com](mailto:tlee@pryorcashman.com) , [tmdocketing@pryorcashman.com](mailto:tmdocketing@pryorcashman.com) , [mhuq@pryorcashman.com](mailto:mhuq@pryorcashman.com) , [jalbrink@pryorcashman.com](mailto:jalbrink@pryorcashman.com) , [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
NATIVE KIND	Opposition Pending	<a href="#">86512858</a>	

#### Plaintiff(s)

**Name:** KIND Management Inc.

**Correspondent** MARGARITA WALLACH

**Address:** MCCARTER & ENGLISH LLP  
245 PARK AVENUE, 27TH FLOOR  
NEW YORK NY UNITED STATES , 10167

**Correspondent e-mail:** [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [dpopovic@mccarter.com](mailto:dpopovic@mccarter.com) , [dlynch@mccarter.com](mailto:dlynch@mccarter.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
KIND	Published For Opposition	<a href="#">86702578</a>	
KIND	Published For Opposition	<a href="#">86724924</a>	
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86676867</a>	
KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
KIND	Registered	<a href="#">86676861</a>	<a href="#">4935559</a>
KIND	Registered	<a href="#">86724974</a>	<a href="#">4940908</a>
KIND	Publication/Issue Review Complete	<a href="#">86676865</a>	
KIND	Published For Opposition	<a href="#">86724943</a>	

DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS

& YOUR WORLD

Registered

[86682586](#)

[4898218](#)

DO THE KIND THING FOR YOUR TASTE BUDS

Registered

[86681580](#)

[4898192](#)

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 14, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 14, 2015	Jan 23, 2016
3	PENDING, INSTITUTED	Dec 14, 2015	
4	D MOT FOR EXT W/ CONSENT	Jan 12, 2016	
5	EXTENSION OF TIME GRANTED	Jan 12, 2016	
6	ANSWER	Feb 22, 2016	
7	P MOT FOR EXT W/ CONSENT	Apr 22, 2016	
8	EXTENSION OF TIME GRANTED	Apr 22, 2016	
9	P MOT FOR EXT W/ CONSENT	May 20, 2016	
10	EXTENSION OF TIME GRANTED	May 24, 2016	
11	P MOT FOR EXT W/ CONSENT	Jun 20, 2016	
12	EXTENSION OF TIME GRANTED	Jun 21, 2016	

#### Type of Proceeding: Opposition

**Proceeding Number:** [91225358](#)

**Filing Date:** Dec 14, 2015

**Status:** Pending

**Status Date:** Dec 14, 2015

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

#### Defendant

**Name:** April Valencia

**Correspondent Address:** TERESA LEE  
PRYOR & CASHMAN LLP  
7 TIMES SQ FL 3  
NEW YORK NY UNITED STATES , 10036-6569

**Correspondent e-mail:** [tlee@pryorcashman.com](mailto:tlee@pryorcashman.com) , [tmdocketing@pryorcashman.com](mailto:tmdocketing@pryorcashman.com) , [mhuq@pryorcashman.com](mailto:mhuq@pryorcashman.com) , [jalbrink@pryorcashman.com](mailto:jalbrink@pryorcashman.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [mwallach@mccarter.com](mailto:mwallach@mccarter.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
NATIVE KIND	Opposition Pending	<a href="#">86512966</a>	

#### Plaintiff(s)

**Name:** Kind Management Inc.

**Correspondent Address:** MARGARITA WALLACH  
MCCARTER & ENGLISH LLP  
245 PARK AVENUE, 27TH FLOOR  
NEW YORK NY UNITED STATES , 10167

**Correspondent e-mail:** [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [dpopovic@mccarter.com](mailto:dpopovic@mccarter.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
KIND	Published For Opposition	<a href="#">86702578</a>	
KIND	Published For Opposition	<a href="#">86724924</a>	
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86676867</a>	

KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
KIND	Registered	<a href="#">86676861</a>	<a href="#">4935559</a>
KIND	Registered	<a href="#">86724974</a>	<a href="#">4940908</a>
KIND	Publication/Issue Review Complete	<a href="#">86676865</a>	
KIND	Published For Opposition	<a href="#">86724943</a>	
DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS & YOUR WORLD	Registered	<a href="#">86682586</a>	<a href="#">4898218</a>
DO THE KIND THING FOR YOUR TASTE BUDS	Registered	<a href="#">86681580</a>	<a href="#">4898192</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 14, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 15, 2015	Jan 24, 2016
3	PENDING, INSTITUTED	Dec 15, 2015	
4	D MOT FOR EXT W/ CONSENT	Jan 12, 2016	
5	EXTENSION OF TIME GRANTED	Jan 12, 2016	
6	ANSWER	Feb 22, 2016	
7	P MOT FOR EXT W/ CONSENT	Apr 22, 2016	
8	EXTENSION OF TIME GRANTED	Apr 22, 2016	
9	P MOT FOR EXT W/ CONSENT	May 20, 2016	
10	EXTENSION OF TIME GRANTED	May 25, 2016	
11	P MOT FOR EXT W/ CONSENT	Jun 21, 2016	
12	EXTENSION OF TIME GRANTED	Jun 23, 2016	

**Generated on:** This page was generated by TSDR on 2016-06-27 16:01:33 EDT

**Mark:** KIND

KIND

**US Serial Number:** 86724943

**Application Filing Date:** Aug. 14, 2015

**Filed as TEAS RF:** Yes

**Currently TEAS RF:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**Status:** Application has been published for opposition. The opposition period begins on the date of publication.

**Status Date:** Jun. 14, 2016

**Publication Date:** Jun. 14, 2016

## Mark Information

**Mark Literal Elements:** KIND

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Providing a website featuring blogs and non-downloadable publications in the nature of articles in the field of charitable giving and service; and educational services, namely non-downloadable electronic publications in the nature of booklets, newsletters, pamphlets, brochures, reports, fliers, leaflets, bulletins and blogs in the field of philanthropy, nutrition, health and wellness, self-improvement, social justice and social responsibility and awareness (Use Based); Educational services, namely classes, seminars, workshops, training, mentoring, and guides in the field of philanthropy, nutrition, health and wellness, self-improvement, career counseling, social justice and social responsibility and awareness; educational services namely non-downloadable electronic publications in the nature of booklets, newsletters, pamphlets, brochures, reports, fliers, leaflets, bulletins and blogs in the field of career counseling (Intent to Use)

**International Class(es):** 041 - Primary Class

**U.S Class(es):** 100, 101, 107

**Class Status:** ACTIVE

**Basis:** 1(a) 1(b)

**First Use:** May 03, 2013

**Use in Commerce:** May 03, 2013

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** No

**Currently ITU:** Yes

**Amended ITU:** Yes

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** KIND Management Inc.

**Owner Address:** 1372 Broadway

New York, NEW YORK 10018  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country: DELAWARE  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Margarita Wallach

Attorney Primary Email Address: [mwallach@mccarter.com](mailto:mwallach@mccarter.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: MARGARITA WALLACH  
McCarter & English LLP  
245 Park Ave Fl 27  
New York, NEW YORK 10167-2801  
UNITED STATES

Phone: 212-609-6800

Fax: 212-609-6921

Correspondent e-mail: [mwallach@mccarter.com](mailto:mwallach@mccarter.com) [dlynch@mccarter.com](mailto:dlynch@mccarter.com)

Correspondent e-mail Authorized: Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 14, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 14, 2016	PUBLISHED FOR OPPOSITION	
May 25, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 05, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 19, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 19, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 19, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 19, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 19, 2015	NON-FINAL ACTION E-MAILED	6325
Oct. 19, 2015	NON-FINAL ACTION WRITTEN	81840
Oct. 13, 2015	ASSIGNED TO EXAMINER	81840
Aug. 19, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 18, 2015	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

TM Attorney: HETZEL, DANNEAN

Law Office Assigned: LAW OFFICE 106

### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 06, 2016

## Proceedings

### Summary

Number of Proceedings: 6

### Type of Proceeding: Opposition

Proceeding Number: [91228345](#)

Filing Date: Jun 08, 2016

Status: Pending

Status Date: Jun 08, 2016

Interlocutory Attorney: ANDREW P BAXLEY

### Defendant

**Name:** Temerity Media Inc.

**Correspondent Address:** Joan Rochman  
Manatt, Phelps & Phillips, LLP  
11355 W. Olympic Blvd.  
Los Angeles CA , 90064

**Correspondent e-mail:** [JRochman@manatt.com](mailto:JRochman@manatt.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
THEKIND	Opposition Pending	<a href="#">86757699</a>	
<b>Plaintiff(s)</b>			

**Name:** KIND Management Inc.

**Correspondent Address:** Margarita Wallach  
McCarter & English, LLP  
245 Park Avenue, 27th Floor  
New York NY , 10167  
UNITED STATES

**Correspondent e-mail:** [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [dlynch@mccarter.com](mailto:dlynch@mccarter.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86628156</a>	
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86680029</a>	
KIND	First Extension - Granted	<a href="#">86628182</a>	
KIND	Publication/Issue Review Complete	<a href="#">86676865</a>	
KIND	Notice of Allowance - Issued	<a href="#">86680045</a>	
KIND	Published For Opposition	<a href="#">86724943</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 08, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 08, 2016	Jul 18, 2016
3	PENDING, INSTITUTED	Jun 08, 2016	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91226681](#)

**Filing Date:** Mar 02, 2016

**Status:** Terminated

**Status Date:** Jun 06, 2016

**Interlocutory Attorney:** JENNIFER KRISP

**Defendant**

**Name:** Kindness Foods, LLC

**Correspondent Address:** KINDNESS FOODS LLC  
39B DUNES LN  
PORT WASHINGTON NY , 11050-1407  
UNITED STATES

**Correspondent e-mail:** [jen@kindnessfoods.net](mailto:jen@kindnessfoods.net)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
KINDNESS FOODS	Abandoned - After Inter-Partes Decision	<a href="#">86632272</a>	
Plaintiff(s)			

**Name:** Kind Management Inc.

**Correspondent Address:** MARARITA WALLACH  
MCCARTER & ENGLISH LLP  
245 PARK AVENUE, 27TH FLOOR  
NEW YORK NY , 10167  
UNITED STATES

**Correspondent e-mail:** [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [dpopovic@mccarter.com](mailto:dpopovic@mccarter.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
DO THE KIND THING FOR YOUR BODY	Registered	<a href="#">86779107</a>	<a href="#">4898800</a>
DO THE KIND THING FOR YOUR WORLD	Registered	<a href="#">86779105</a>	<a href="#">4898799</a>
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86676867</a>	
KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
KIND	Registered	<a href="#">86676861</a>	<a href="#">4935559</a>
KIND	Registered	<a href="#">86724974</a>	<a href="#">4940908</a>
KIND	Publication/Issue Review Complete	<a href="#">86676865</a>	
KIND	Published For Opposition	<a href="#">86724943</a>	
DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS & YOUR WORLD	Registered	<a href="#">86682586</a>	<a href="#">4898218</a>
DO THE KIND THING FOR YOUR TASTE BUDS	Registered	<a href="#">86681580</a>	<a href="#">4898192</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 02, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 02, 2016	Apr 11, 2016
3	PENDING, INSTITUTED	Mar 02, 2016	
4	NOTICE OF DEFAULT	Apr 26, 2016	
5	BD DECISION: SUSTAINED	Jun 06, 2016	
6	TERMINATED	Jun 06, 2016	

#### Type of Proceeding: Opposition

**Proceeding Number:** [91225347](#)

**Filing Date:** Dec 14, 2015

**Status:** Pending

**Status Date:** Dec 14, 2015

**Interlocutory Attorney:** ELIZABETH A DUNN

#### Defendant

**Name:** April Valencia

**Correspondent Address:** TERESA LEE  
PRYOR & CASHMAN LLP  
7 TIMES SQ FL 3  
NEW YORK NY , 10036-6569  
UNITED STATES

**Correspondent e-mail:** [tlee@pryorcashman.com](mailto:tlee@pryorcashman.com) , [tmdocketing@pryorcashman.com](mailto:tmdocketing@pryorcashman.com) , [mhuq@pryorcashman.com](mailto:mhuq@pryorcashman.com) , [jalbrink@pryorcashman.com](mailto:jalbrink@pryorcashman.com) , [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [apanq@mccarter.com](mailto:apanq@mccarter.com)



Associated marks			
Mark	Application Status	Serial Number	Registration Number
NATIVE KIND	Opposition Pending	<a href="#">86513002</a>	
Plaintiff(s)			

**Name:** KIND Management Inc.

**Correspondent Address:** MARGARITA WALLACH  
MCCARTER & ENGLISH LLP  
245 PARK AVENUE, 27TH FLOOR  
NEW YORK NY , 10167  
UNITED STATES

**Correspondent e-mail:** [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [dpopovic@mccarter.com](mailto:dpopovic@mccarter.com) , [dlynch@mccarter.com](mailto:dlynch@mccarter.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
KIND	Published For Opposition	<a href="#">86702578</a>	
KIND	Published For Opposition	<a href="#">86724924</a>	
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86676867</a>	
KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
KIND	Registered	<a href="#">86676861</a>	<a href="#">4935559</a>
KIND	Registered	<a href="#">86724974</a>	<a href="#">4940908</a>
KIND	Publication/Issue Review Complete	<a href="#">86676865</a>	
KIND	Published For Opposition	<a href="#">86724943</a>	
DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS & YOUR WORLD	Registered	<a href="#">86682586</a>	<a href="#">4898218</a>
DO THE KIND THING FOR YOUR TASTE BUDS	Registered	<a href="#">86681580</a>	<a href="#">4898192</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 14, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 14, 2015	Jan 23, 2016
3	PENDING, INSTITUTED	Dec 14, 2015	
4	D MOT FOR EXT W/ CONSENT	Jan 12, 2016	
5	EXTENSION OF TIME GRANTED	Jan 12, 2016	
6	ANSWER	Feb 22, 2016	
7	P MOT FOR EXT W/ CONSENT	Apr 22, 2016	
8	EXTENSION OF TIME GRANTED	Apr 22, 2016	
9	P MOT FOR EXT W/ CONSENT	May 20, 2016	
10	EXTENSION OF TIME GRANTED	May 24, 2016	
11	P MOT FOR EXT W/ CONSENT	Jun 20, 2016	
12	EXTENSION OF TIME GRANTED	Jun 21, 2016	

#### Type of Proceeding: Opposition

**Proceeding Number:** [91225350](#)

**Filing Date:** Dec 14, 2015

**Status:** Pending

**Status Date:** Dec 14, 2015

**Interlocutory Attorney:** ELIZABETH WINTER

**Defendant**

**Name:** April Valencia

**Correspondent Address:** TERESA LEE  
PRYOR & CASHMAN LLP  
7 TIMES SQ FL 3  
NEW YORK NY , 10036-6569  
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**Associated marks**

Mark	Application Status	Serial Number	Registration Number
NATIVE KIND	Opposition Pending	<a href="#">86512898</a>	
<b>Plaintiff(s)</b>			

**Name:** KIND Management Inc.

**Correspondent Address:** MARGARITA WALLACH  
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**Associated marks**

Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
KIND	Published For Opposition	<a href="#">86702578</a>	
KIND	Published For Opposition	<a href="#">86724924</a>	
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86676867</a>	
KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
KIND	Registered	<a href="#">86676861</a>	<a href="#">4935559</a>
KIND	Registered	<a href="#">86724974</a>	<a href="#">4940908</a>
KIND	Publication/Issue Review Complete	<a href="#">86676865</a>	
KIND	Published For Opposition	<a href="#">86724943</a>	
DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS & YOUR WORLD	Registered	<a href="#">86682586</a>	<a href="#">4898218</a>
DO THE KIND THING FOR YOUR TASTE BUDS	Registered	<a href="#">86681580</a>	<a href="#">4898192</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 14, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 14, 2015	Jan 23, 2016
3	PENDING, INSTITUTED	Dec 14, 2015	
4	D MOT FOR EXT W/ CONSENT	Jan 12, 2016	
5	EXTENSION OF TIME GRANTED	Jan 12, 2016	
6	ANSWER	Feb 22, 2016	
7	P MOT FOR EXT W/ CONSENT	Apr 22, 2016	
8	EXTENSION OF TIME GRANTED	Apr 22, 2016	
9	P MOT FOR EXT W/ CONSENT	May 20, 2016	
10	EXTENSION OF TIME GRANTED	May 24, 2016	
11	P MOT FOR EXT W/ CONSENT	Jun 20, 2016	
12	EXTENSION OF TIME GRANTED	Jun 21, 2016	

**Type of Proceeding: Opposition****Proceeding Number:** [91225351](#)**Filing Date:** Dec 14, 2015**Status:** Pending**Status Date:** Dec 14, 2015**Interlocutory Attorney:** YONG OH (RICHARD) KIM**Defendant****Name:** April Valencia**Correspondent Address:** TERESA LEE  
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Mark	Application Status	Serial Number	Registration Number
NATIVE KIND	Opposition Pending	<a href="#">86512858</a>	

**Plaintiff(s)****Name:** KIND Management Inc.**Correspondent Address:** MARGARITA WALLACH  
MCCARTER & ENGLISH LLP  
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UNITED STATES**Correspondent e-mail:** [mwallach@mccarter.com](mailto:mwallach@mccarter.com) , [ihurtado@mccarter.com](mailto:ihurtado@mccarter.com) , [apang@mccarter.com](mailto:apang@mccarter.com) , [dpopovic@mccarter.com](mailto:dpopovic@mccarter.com) , [dlynch@mccarter.com](mailto:dlynch@mccarter.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
KIND	Renewed	<a href="#">76596770</a>	<a href="#">2984772</a>
KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
KIND FRUIT + NUT	Registered	<a href="#">77721453</a>	<a href="#">4097493</a>
KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
KINDELICIOUS	Registered	<a href="#">77816085</a>	<a href="#">4049775</a>
KIND	Published For Opposition	<a href="#">86702578</a>	
KIND	Published For Opposition	<a href="#">86724924</a>	
KIND	Report Completed Suspension Check - Case Still Suspended	<a href="#">86676867</a>	
KIND	Registered	<a href="#">86724964</a>	<a href="#">4898735</a>
KIND	Registered	<a href="#">86676861</a>	<a href="#">4935559</a>
KIND	Registered	<a href="#">86724974</a>	<a href="#">4940908</a>
KIND	Publication/Issue Review Complete	<a href="#">86676865</a>	
KIND	Published For Opposition	<a href="#">86724943</a>	
DO THE KIND THING FOR YOUR BODY, YOUR TASTE BUDS & YOUR WORLD	Registered	<a href="#">86682586</a>	<a href="#">4898218</a>
DO THE KIND THING FOR YOUR TASTE BUDS	Registered	<a href="#">86681580</a>	<a href="#">4898192</a>

**Prosecution History**

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9	P MOT FOR EXT W/ CONSENT	May 20, 2016
10	EXTENSION OF TIME GRANTED	May 24, 2016
11	P MOT FOR EXT W/ CONSENT	Jun 20, 2016
12	EXTENSION OF TIME GRANTED	Jun 21, 2016

#### Type of Proceeding: Opposition

**Proceeding Number:** [91225358](#)

**Filing Date:** Dec 14, 2015

**Status:** Pending

**Status Date:** Dec 14, 2015

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

#### Defendant

**Name:** April Valencia

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#### Associated marks

Mark	Application Status	Serial Number	Registration Number
NATIVE KIND	Opposition Pending	<a href="#">86512966</a>	

#### Plaintiff(s)

**Name:** Kind Management Inc.

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KIND	Registered	<a href="#">77981723</a>	<a href="#">3971639</a>
KIND	Registered	<a href="#">77333800</a>	<a href="#">4161495</a>
KIND	Registered	<a href="#">77827342</a>	<a href="#">3882221</a>
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KINDINGS	Registered	<a href="#">77903894</a>	<a href="#">4013148</a>
KINDTASTIC	Registered	<a href="#">77816084</a>	<a href="#">4053499</a>
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KIND	Registered	<a href="#">86724974</a>	<a href="#">4940908</a>
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DO THE KIND THING FOR YOUR TASTE BUDS	Registered	<a href="#">86681580</a>	<a href="#">4898192</a>

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8	EXTENSION OF TIME GRANTED	Apr 22, 2016	
9	P MOT FOR EXT W/ CONSENT	May 20, 2016	
10	EXTENSION OF TIME GRANTED	May 25, 2016	
11	P MOT FOR EXT W/ CONSENT	Jun 21, 2016	
12	EXTENSION OF TIME GRANTED	Jun 23, 2016	